

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 2001) for the relief of Thomas H. Burns, reported the same adversely, accompanied by a report (No. 1904); which said bill and report were ordered to lie on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSS: A bill (H. R. 12069) providing for certain employees in the preparation of plans and specifications for public works under the Bureau of Yards and Docks—to the Committee on Naval Affairs.

By Mr. SULLOWAY: A bill (H. R. 12070) construing the provisions of the act approved March 3, 1879, exempting from the limitations named therein the claims to pension by or in behalf of children under 16 years of age—to the Committee on Invalid Pensions.

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 12090) ratifying and confirming a lease made between the Tuscarora Nation of Indians and the National Contracting Company, a corporation organized and existing under and by virtue of the laws of the State of New York—to the House Calendar.

By Mr. MEYER of Louisiana: A bill (H. R. 12091) to authorize the employment of naval officers on the retired list for sea or shore duty—to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 12092) maintaining and further improving the harbor at the mouth of the Brazos River—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12093) for the improvement of a sheltered waterway 4 feet deep and 100 feet wide from Sabine Lake to the Bay of Corpus Christi, Tex.—to the Committee on Rivers and Harbors.

By Mr. FITZGERALD of Massachusetts: A joint resolution (H. J. Res. 266) extending a welcome to inhabitants of South African Republics to the United States—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BELLAMY: A bill (H. R. 12071) for relief of Will L. Miller, administrator of Washington Miller—to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 12072) for the relief of the estate of William Burgess, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12073) for the relief of James Leo Juge—to the Committee on War Claims.

Also, a bill (H. R. 12074) for the relief of J. B. Chippert—to the Committee on Claims.

Also, a bill (H. R. 12075) for the relief of Augustin Campo, administrator—to the Committee on Claims.

Also, a bill (H. R. 12076) for the relief of the estate of Henry Bauman, deceased—to the Committee on War Claims.

By Mr. DE VRIES: A bill (H. R. 12077) for the relief of J. P. Halford—to the Committee on Claims.

By Mr. FOSS: A bill (H. R. 12078) granting a pension to Mrs. Frances R. Crocker—to the Committee on Invalid Pensions.

By Mr. HEDGE: A bill (H. R. 12079) granting an increase of pension to Benjamin T. Thomas—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 12080) granting a pension to Charles S. F. Hilton—to the Committee on Invalid Pensions.

By Mr. McCLEARY: A bill (H. R. 12081) granting a pension to Sarah E. Fortier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12082) granting a pension to Andrew Good Thunder—to the Committee on Pensions.

By Mr. MORGAN: A bill (H. R. 12083) granting a pension to William W. Prather—to the Committee on Invalid Pensions.

By Mr. REEVES: A bill (H. R. 12084) to remove the charge of desertion from the military record of B. Warren Taylor—to the Committee on Military Affairs.

By Mr. RIDGELY: A bill (H. R. 12085) granting a pension to John Young—to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 12086) granting a pension to Mary E. Mahan—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 12087) for the relief of the heirs of William J. Ellison, deceased—to the Committee on War Claims.

By Mr. SNODGRASS: A bill (H. R. 12088) granting a pension to Henry T. Dawson—to the Committee on Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 12089) for the relief of Thomas S. Gaskill—to the Committee on War Claims.

By Mr. SHERMAN, from the Committee on Interstate and Foreign Commerce: A joint resolution (H. J. Res. 267) for the relief of the Mutual Life Insurance Company of New York—to the Private Calendar.

By Mr. GROW: A resolution (H. Res. 289) to place W. H. Smith on the rolls of the House—to the Committee on Accounts.

By Mr. SHERMAN: A resolution (H. Res. 290) to pay Daniel Weeden \$60—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BARNEY: Petition of citizens of Waukesha County, Wis., favoring the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. BERRY: Papers to accompany House bill relating to the case of Samuel Lee—to the Committee on Claims.

By Mr. COWHERD: Petition of H. C. Arnold, druggist, of Kansas City, Mo., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of Endeavor and Kendall, Wis., for the passage of the Bowersock anti-canteen bill—to the Committee on Military Affairs.

By Mr. FITZGERALD of Massachusetts: Resolutions of the twenty-ninth session of the Illinois Association of Mexican War Veterans, Taylorsville, Ill., for increase of pension for services in war with Mexico—to the Committee on Pensions.

By Mr. HALL: Papers to accompany House bill No. 11083, granting an increase of pension to Martin Funk, of Port Matilda, Pa.—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Union No. 97, United Mine Workers of America, Oskaloosa, Iowa, in relation to the convict-labor bill—to the Committee on Labor.

By Mr. LAMB: Petition of Woman's Christian Temperance Union of Centralia, Va., to prohibit the sale of intoxicants in our new possessions and in our Army—to the Committee on Military Affairs.

By Mr. NEEDHAM: Resolutions of the Chamber of Commerce of San Diego, Cal., favoring the passage of House bill No. 10374, amending the postal law relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. RAY of New York: Petition of druggists of Waverly, N. Y., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. RIXEY (by request): Paper to accompany House bill for the relief of Albert S. Howard, of Fairfax County, Va.—to the Committee on War Claims.

By Mr. RUSSELL: Petition of Mary E. Mahan, to accompany House bill for pension—to the Committee on Invalid Pensions.

By Mr. SNODGRASS: Paper to accompany House bill granting a pension to Henry T. Dawson, of Wilson County, Tenn., a soldier of the Mexican war—to the Committee on Pensions.

By Mr. SOUTHARD: Petition of wine producers of the United States, for a modification and reduction of the internal-revenue tax on wines—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Gloucester Command, No. 17, National Army Spanish War Veterans, asking that preference in civil-service appointments be given to honorably discharged soldiers, sailors, and marines who served during the civil, Spanish, or Philippine wars—to the Committee on Reform in the Civil Service.

By Mr. THOMAS of North Carolina: Petition of Thomas S. Gaskell, for relief and for appropriation for property destroyed during the war of the rebellion—to the Committee on War Claims.

By Mr. ZENOR: Petition of James S. Brown and other druggists of Eckerty, Ind., relating to the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

SENATE.

MONDAY, June 4, 1900.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. ALLEN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

USELESS PAPERS IN THE POST-OFFICE DEPARTMENT.

The PRESIDENT pro tempore. The Chair is in receipt of a communication from the Postmaster-General stating that the files of his Department are burdened with an accumulation of old papers

which are not needed or useful in the transaction of the current business of that Department and have no permanent value or historical interest, and requesting the appointment of two Senators, as required by the second paragraph of the act of February 16, 1889, providing for the disposition of useless papers in the Executive Departments. The Chair appoints the Senator from Pennsylvania [Mr. PENROSE] and the Senator from Texas [Mr. CULBERSON] as the committee on the part of the Senate.

PETITIONS.

Mr. PETTIGREW presented a petition of Local Assembly No. 1898, Knights of Labor, of Roff, Ind. T., and a petition of Local Assembly No. 1000, Knights of Labor, of Greenville, N. C., praying for the public ownership of railways, telegraphs, and telephones, and for the passage of Senate bill No. 1770, relative to the acquisition, purchase, construction, and condemnation by the United States of railroads lying within the United States, the respective States, and the District of Columbia engaged in interstate commerce, etc., and remonstrating against the passage of Senate bill No. 1439, to amend the interstate-commerce law; which were referred to the Committee on Interstate Commerce.

Mr. MASON presented a petition of sundry broom makers, of Paris, Ill., praying for the enactment of legislation to protect free labor from prison competition; which was referred to the Committee on Education and Labor.

Mr. TELLER presented the petition of D. C. Taylor, of Pueblo, Colo., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Coal Creek, Colo., praying for the enactment of legislation to limit the hours of daily service of laborers and workmen employed upon the public works of the United States; which was referred to the Committee on Education and Labor.

He also presented petitions of the congregation of the First Baptist Church of Fort Collins, of the Woman's Christian Temperance Union of Lamar, of the congregation of the Christian Church of Lamar, of the Woman's Christian Temperance Union of Lamar, and of the congregation of the United Presbyterian Church of Lamar, all in the State of Colorado, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. LODGE presented a petition of the Board of Trade of Westfield, Mass., praying for the ratification of the reciprocity treaty between the United States and Canada; which was ordered to lie on the table.

He also presented petitions of the congregations of the Baptist, Methodist, Congregational, and Catholic churches, and of the Woman's Christian Temperance Union, all of Winchester; of the Woman's Christian Temperance Union of Chatham; of the congregation of the Methodist Episcopal Church of Acushnet; of 23 citizens of North Westport; of the Woman's Christian Temperance Union of Dorchester; and of the congregations of the North Christian, the Christian, the Bethel African Methodist Episcopal, the Advent Christian, the Union Baptist, the Pleasant Street Methodist Episcopal, the African Methodist Episcopal Zion churches, the Christian Endeavor Society, and sundry citizens, all of New Bedford, in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. LODGE. I present a petition in behalf of the Congress of American Physicians and Surgeons, a body with a membership of about 1,200, and composed of 14 societies and associations, each with a national membership, who desire to have the religious, educational, and charitable institutions relieved from the provisions of the war-revenue act of 1898, by which a tax is imposed on legacies left to such institutions. I move that the petition, which is very brief, be printed as a document, together with the names attached thereto, and that it be referred to the Committee on Finance.

The motion was agreed to.

MILITARY TELEGRAPH LINES IN PORTO RICO.

Mr. FORAKER. I present a communication from the Assistant Secretary of War, transmitting a report of the Chief Signal Officer of the Army upon the history, condition, and future prospects of the military telegraph lines in Porto Rico. I move that the communication and accompanying report be printed as a document and referred to the Committee on Pacific Islands and Porto Rico.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom

were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7159) granting an increase of pension to Wesley C. Sawyer;

A bill (H. R. 8141) granting a pension to Sarah J. Peddycoart;

A bill (H. R. 8254) granting an increase of pension to Marie L. Apgar;

A bill (H. R. 10873) granting an increase of pension to Ida J. Peixotto;

A bill (H. R. 1965) granting an increase of pension to John Lonergan;

A bill (H. R. 10815) granting a pension to Lucius K. Smalling;

A bill (H. R. 5120) granting an increase of pension to John S. Coggeshall; and

A bill (H. R. 7179) granting a pension to Clarence S. Hall.

Mr. MASON, from the Committee on Claims, to whom was referred the bill (S. 968) for the relief of Lina Hennig, reported it without amendment, and submitted a report thereon.

Mr. VEST, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 11214) to amend an act entitled "An act for the erection of a public building at Anniston, Ala.," reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 4696) for the relief of William B. Franklin, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the joint resolution (S. R. 129) authorizing the President to appoint George W. Kirkman to be a captain in the Twenty-third Regiment of the United States Infantry, and a major in the Forty-ninth Regiment of Infantry, United States Volunteers, reported it with amendments, and submitted a report thereon.

Mr. WETMORE, from the Committee on the Library, to whom was referred the bill (S. 2270) appropriating \$10,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina, reported it with an amendment, and submitted a report thereon.

Mr. THURSTON, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 11821) to ratify and confirm an agreement with the Muscogee or Creek tribe of Indians, and for other purposes, reported it with amendments.

Mr. CLARK, from the Committee on the Judiciary, to whom was referred the bill (S. 4233) to limit the meaning of the word "conspiracy" and also the use of "restraining orders and injunctions" as applied to disputes between employers and employees in the District of Columbia and Territories, or engaged in commerce between the several States, District of Columbia, and Territories, and with foreign nations, reported it without amendment.

Mr. PLATT of Connecticut. I desire to state that that is not a unanimous report. I did not concur in it as one member of the Judiciary Committee.

The PRESIDENT pro tempore. The bill will be placed on the Calendar.

EULOGIES ON THE LATE SENATOR-ELECT HAYWARD.

Mr. PLATT of New York, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. THURSTON on the 31st ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed 6,000 additional copies of the eulogies upon the late Monroe L. Hayward, Senator-elect from the State of Nebraska, of which 2,000 copies shall be for the use of the Senate and 4,000 copies shall be for the use of the House of Representatives.

REPORT OF WORLD'S COLUMBIAN EXPOSITION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the concurrent resolution submitted by the Senator from Iowa [Mr. ALLISON] April 12, 1900, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring). That there be printed of the final report of the Board of Lady Managers of the World's Columbian Commission 7,500 copies; of which 2,000 copies shall be for the use of the Senate, 4,000 copies for the use of the House, 500 copies for the State Department, and 1,000 copies to be delivered to Mrs. Potter Palmer, president of said board of lady managers, for distribution by her to members of home and foreign commissions.

The amendments of the committee were, in line 4, to strike out "seven thousand five hundred" and insert "three thousand seven hundred and fifty;"

In the same line to strike out "two" and insert "one;"

In line 5 to strike out "four" and insert "two;"
In line 6 to strike out "five hundred" and insert "two hundred and fifty;" and
In line 7 to strike out "one thousand" and insert "five hundred;" so as to make the concurrent resolution read:

Resolved by the Senate (the House of Representatives concurring), That there be printed of the final report of the board of lady managers of the World's Columbian Commission 3,750 copies, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, 250 copies for the State Department, and 500 copies to be delivered to Mrs. Potter Palmer, president of said board of lady managers, for distribution by her to members of home and foreign commissions.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

CLAYTON-BULWER TREATY.

Mr. MORGAN, from the Committee on Inter-oceanic Canals, reported the following resolution; which was read:

Resolution declaring the Clayton-Bulwer treaty abrogated.

"Resolved by the Senate, That the treaty known as the Clayton-Bulwer treaty, between Great Britain and the United States, which was concluded on the 19th day of April, 1850, is abrogated."

Mr. MORGAN. In connection with the resolution I submit a report, which I ask may be printed.

The PRESIDENT pro tempore. The report will be printed under the rule.

Mr. MORGAN. I ask that the resolution may lie over until to-morrow.

The PRESIDENT pro tempore. The resolution will go upon the Calendar. It does not follow the course of an ordinary resolution submitted by an individual Senator.

Mr. MORGAN. Then I give notice that I desire to call it up to-morrow for the purpose of addressing the Senate upon it.

Mr. MASON. I only rose to ask a question for information. I could not quite hear the reading of the resolution. Does it propose to abrogate the Clayton-Bulwer treaty?

Mr. MORGAN. It is a resolution declaring that the Clayton-Bulwer treaty is abrogated.

Mr. MASON. I just wanted the information.

BILLS INTRODUCED.

Mr. TURLEY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 4940) for the relief of Sol. J. Goldsby, B. F. Duncan, and Bob Goldsby (with accompanying papers);

A bill (S. 4941) for the relief of James T. Blair, executor of Hugh Blair, deceased;

A bill (S. 4942) for the relief of the estate of Stephen Fransiola, deceased (with accompanying papers); and

A bill (S. 4943) for the relief of Jones, Brown & Co.

Mr. MALLORY introduced a bill (S. 4944) for the relief of William H. Trimmer; which was read twice by its title, and referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 4945) granting a pension to William J. Houghtaling; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MONEY introduced a bill (S. 4946) to legalize the railroad bridge across Pearl River, just below the existing bridge of the Alabama and Vicksburg Railroad Company; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4947) granting a pension to James Watkins; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LODGE introduced a bill (S. 4948) for the relief of the estate of David M. Whitney, deceased; which was read twice by its title, and referred to the Committee on Claims.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE GREENE.

Mr. ALLEN submitted the following resolution; which was referred to the Committee on Printing, and ordered to be printed:

Resolved, That there be printed in book form, in appropriate binding, 6,000 copies of the Senate and House memorial addresses on the Hon. William L. Greene, deceased, late a Representative from the State of Nebraska, with the usual portrait, 2,000 copies of which shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

WAR IN SOUTH AFRICA.

Mr. MASON submitted the following resolution; which was read:

Resolved, That the Senate of the United States hereby expresses the hope that the war in South Africa may cease at an early day upon terms satisfactory to those engaged therein, including independence for the South African states.

Mr. MASON. I ask to have the resolution lie on the table, and I give notice that to-morrow morning, after the routine business, I shall desire to make a few remarks upon the resolution.

The PRESIDENT pro tempore. The resolution will lie on the table.

PORTO RICAN INVESTIGATION.

Mr. FORAKER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Pacific Islands and Porto Rico or any subcommittee thereof is hereby authorized and empowered to visit Porto Rico for the purpose of investigating and inquiring into conditions existing there bearing upon the relations of the United States with Porto Rico and its duty to the people thereof; and that the expenses of said committee or subcommittee, including necessary assistance, be paid out of the contingent fund of the Senate upon vouchers signed by the chairman of the committee.

HISTORY OF THE RED CROSS.

Mr. LODGE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed of the history of the Red Cross, authorized to be prepared and printed under joint resolution of Congress approved August 3, 1882, and thereafter printed under the direction of the Secretary of State, together with the report on America's relief expedition to Asia Minor under the Red Cross, and as authorized by concurrent resolution of June 6, 1898, with certain addenda embracing the work of the Red Cross in Cuba and the Philippines, 65,000 copies, of which number 5,000 shall be for the use of the Senate, 10,000 for the House of Representatives, and 50,000 for the American National Red Cross, to be distributed by Miss Clara Barton, president. The copies herein provided for to be distributed by the president of the American National Red Cross shall be transmitted through the mail free of postage when contained in a wrapper bearing the following inscription: "Public Document. History of the Red Cross. Free."

PENSION CALENDAR—ORDER FOR RECESS.

Mr. ALLISON. Mr. President—

Mr. ALLEN. I appeal to the Senator from Iowa to let us have an hour this morning for unobjectioned pension bills.

Mr. ALLISON. The Senator from Colorado [Mr. TELLER] is to address the Senate this morning.

Mr. ALLEN. He is not here yet.

Mr. ALLISON. I would not like to make that arrangement until he comes in.

Mr. ALLEN. I have no doubt it would be agreeable to him. We could clear the Pension Calendar in that time.

Mr. COCKRELL. I want at a very early hour, as soon as the Senate will agree to it, to ask unanimous consent that we may proceed to consider the unobjectioned House bills upon the Calendar.

Mr. STEWART. That is a good suggestion.

Mr. COCKRELL. That will enable us to pass them and will enable them to become laws. If it is not done at an early day they will not become laws, and such a course would relieve a great many Senators from asking that this, that, and the other bill shall be taken up.

Mr. ALLEN. I should like to have a special order made, if Senators will agree to it, to set apart an hour for pension bills. We can clear the Pension Calendar in that time.

The PRESIDENT pro tempore. The Senator from Colorado [Mr. TELLER] gave notice that immediately after the routine business was completed this morning he would address the Senate.

Mr. GALLINGER. Mr. President, in connection with the request made by the Senator from Nebraska and the suggestion of the Senator from Missouri, I desire to say that the Pension Committee has ceased work for the present session. No further bills will be reported. It will take about one hour to clear the Calendar of all pension cases, both House and Senate, and I hope that we may get an hour some time before to-morrow. The bills will have to be enrolled and go to the President, and of course they will fail unless they are sent to the House in time.

Mr. ALLEN. I suggest to the Senator to ask unanimous consent to take them up to-night at 8 o'clock.

Mr. GALLINGER. Let the Senator make the request.

Mr. ALLEN. I ask, then, that the Senate take a recess when the business of the day is through until 8 o'clock to-night, and that an hour, from 8 to 9 o'clock to-night, be devoted to unobjectioned pension bills.

Mr. CULLOM. And no other business.

Mr. ALLEN. And that no other business be transacted.

Mr. ALLISON. I suggest to the Senator from Nebraska that there ought to be included in that a provision for the consideration of conference reports.

Mr. ALLEN. Yes, sir; of course; but to get an hour of actual time for pension bills.

Mr. ALLISON. I shall not object to the suggestion of the Senator that we have a session beginning at 8 o'clock this evening.

Mr. GALLINGER. I would not limit it.

Mr. ALLISON. We ought to have time for the consideration of conference reports.

Mr. ALLEN. Very well, then; let us meet at 8 o'clock to-night and keep in session up to such hour as we may agree to adjourn, nothing to be considered except conference reports and pension bills.

Mr. COCKRELL. I wish to include unobjectioned House bills on the Calendar.

Mr. CAFFERY. Unobjected House bills?

Mr. COCKRELL. Unobjected House bills.

Mr. CULLOM. Senate bills, too.

Mr. PETTIGREW. I shall object to the unanimous consent.

Mr. CULLOM. I think Senate pension bills should be considered as well.

Mr. PETTIGREW. I shall object for this reason: I believe there is other proposed legislation of more importance to the people of this country than the remaining pension bills that should receive the consideration of the Senate. Further than that, it seems to me that the number of pension bills which we have passed at this session of Congress indicates conclusively that the pension laws of this country are decidedly defective and exceedingly unjust, unless those bills are special favors granted for political purposes.

Mr. ALLEN. I hope the Senator will withdraw his objection, because—

Mr. PETTIGREW. We have passed more pension bills and devoted more time to special legislation for pensions at the present than at any other session of Congress for years, and either the laws must be wrong or the beneficiaries could get justice without this special legislation. Until I understand it better, I shall object.

Mr. ALLEN. I wish to appeal to the Senator.

Mr. PETTIGREW. Here is a bill, House bill 5450, that ought to engage the attention of the Senate. It is a bill "to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise, wholly or in part manufactured by convict labor, or in any prison or reformatory." I have received many letters from all over the country with regard to the evil proposed to be corrected by this legislation. This bill ought to be passed before we adjourn, and I am going to insist upon placing it in antagonism to any other unanimous consent that may be asked until we act upon it.

There is another bill, House bill 6882, "limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or any Territory, or the District of Columbia, thereby securing better products, and for other purposes." This is a bill with regard to labor and it ought also to be considered.

There is still another bill, Mr. President, and that is the proposed anti-trust law which was passed by the House of Representatives. The Senate ought to take up that bill and dispose of it at this session of Congress; and there is no special reason why we should adjourn until we do it. As far as I am concerned, I am going to antagonize and oppose every request for unanimous consent that less important subjects may be considered which leaves out these important measures.

Mr. ALLEN. I withdraw my request, and I now move that at 6 o'clock this evening the Senate shall take a recess until 8 o'clock. The motion was agreed to.

Mr. GALLINGER. Mr. President, in connection with the observation of the Senator from South Dakota I desire to make a single remark.

I am not at all sure during the present session of Congress we have passed more private pension bills than at any other session. In fact, I am very sure that such is not a correct statement.

The Senator says we have taken a great deal of time. The fact is that I think if it would be looked up carefully it would be found that we have not taken more than one day during the entire session to consider pension bills. In the other body they have a day once in two weeks, and we have a half hour or forty-five minutes, as the case may be. I have tried to minimize the time of the Senate so far as pension legislation is concerned.

I of course have no objection to the request for unanimous consent being objected to, but I do not think the Senator ought to put the Committee on Pensions in a false attitude before the country in connection with this matter. The Senator from South Dakota has introduced a good many pension bills. He has been as insistent in regard to that matter as he is in reference to everything else, and the committee has tried to give his bills consideration as they have the bills introduced by every other Senator and tried to do justice to all parties.

I hope the pension bills on the Calendar may in some way be disposed of at the evening session, but if they are not, I shall certainly be content, as I have no special interest in them.

Mr. CHANDLER. Will my colleague give notice that he will move at the evening session that the pension bills shall be considered?

Mr. GALLINGER. The Senator from South Dakota has objected.

Mr. CHANDLER. The Senator can give notice.

Mr. PETTIGREW. Mr. President, I wish to make one remark. I have no fault to find with the conduct of the committee so far as these bills are concerned, but there are thousands and thousands of soldiers who are just as much entitled to relief as those who have received it. It is a discrimination in favor of the man

who has a political pull as against the soldier who has not, and it indicates a defect in the law that such a vast number of those bills are necessary. I think that the law ought to be amended so as to do even justice to all, and give the man just as good a show who has not a political pull as the one who has.

Mr. GALLINGER. That may be so, and yet, if that is true, the Senator himself has discriminated against a large class of meritorious soldiers. In presenting, as he has done, some 20 bills, I think, to the Senate for the consideration of this committee, he has been guilty of the same discrimination that he charges upon everybody else.

Mr. PETTIGREW. Of course, when my constituents write me and ask for these things I introduce the bills. Four of them, I think, have been reported by the committee out of the 20, and therefore I say it is that they are discriminated against by the committee, as I believe that every one of them is as just and meritorious as those that were acted upon.

GEORGE L. MERRILL.

Mr. ALLISON. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Iowa allow the junior Senator from Maine to make one little request? He has had no opportunity as a Senator.

Mr. ALLISON. I yield to the Senator.

The PRESIDENT pro tempore. I would like very much to have a little bill, the bill (S. 2087) for the relief of George L. Merrill, passed.

Mr. HANSBROUGH. Do I understand that we are now to take up bills by unanimous consent?

The PRESIDENT pro tempore. The Chair understands that the Senate is waiting for the Senator from Colorado to make his appearance. The junior Senator from Maine asks unanimous consent to consider at the present time a bill which will be read.

The Secretary read the bill (S. 2087) for the relief of George L. Merrill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with amendments, in line 7, after the word "thousand," to strike out "eight hundred" and insert "and sixty;" and in line 8, after the word "salary," to strike out "and necessary expenses incurred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George L. Merrill, late a sergeant in Company E, Nineteenth Regiment of Maine Infantry Volunteers, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000, in compensation for loss of salary from December 28, 1863, at which date he was commissioned as a second lieutenant, for a period of thirteen months, during which he was awaiting assignment to duty.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The Chair is obliged to the Senator from Iowa.

MATHIAS PEDERSON.

Mr. ALLISON. I ask unanimous consent to consider the bill (H. R. 1992) for the relief of Mathias Pederson. It is a House bill, and it will take but a single moment.

Mr. HANSBROUGH. Mr. President, I do not want to object to the request of the Senator from Iowa, but I wish to state to the Senate that there are numerous bills on the Calendar—

Mr. ALLISON. This is on the Calendar.

Mr. HANSBROUGH. I say there are numerous bills on the Calendar that have come here reported unanimously from the Committee on Public Lands which I think are of equal importance with any bills that have been passed by unanimous consent in the last two or three weeks, and I do hope I shall be able to get some of those bills passed before adjournment. I have sat here for days and days and allowed bills of this character to be passed by unanimous consent, and when I have asked unanimous consent objection has been made. I simply desire to serve notice.

The PRESIDENT pro tempore. The Senator from Iowa asks for the present consideration of a bill. Does the Senator from North Dakota object?

Mr. HANSBROUGH. I do not.

Mr. PETTIGREW. I desire to ask the Senator if it is a private bill.

Mr. TELLER. Mr. President—

Mr. ALLISON. It will appear in a moment. Let it be read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill (H. R. 1992) for the relief of Mathias Pederson, and the Senate, by unanimous consent, proceeded to its consideration as in Committee of the Whole. It proposes to pay to Mathias Pederson, late of Spring Valley, Rock County, Wis., \$300, being the sum unlawfully collected from him on that date

by the board of enrollment, namely, \$300, to furnish a substitute when drafted for service in the Army, he not being a citizen of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. ALLISON. Now I thank all Senators who were kind enough to allow relief to this poor fellow.

GOVERNMENT DEPOSITARIES IN THE PHILIPPINE ISLANDS, ETC.

Mr. ALDRICH. I report unanimously from the Committee on Finance a substitute for the bill (H. R. 9388) to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico.

This is a House bill which the Secretary of War and the Secretary of the Treasury are extremely anxious shall receive the consideration of the Senate at this session. It is a matter of public consequence; and I ask that the bill, which is very short, may be now considered.

Mr. ALLEN. What is the bill?

Mr. ALDRICH. It is in regard to the deposit of public moneys in the Philippines, Cuba, and Porto Rico. It has the unanimous report—

Mr. STEWART. Let it be read.

Mr. ALDRICH. It has the unanimous report of the Committee on Finance.

Mr. STEWART. Let us hear it.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill and the amendment of the Committee on Finance, which was to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands and in the islands of Cuba and Porto Rico in which public moneys may be deposited: *Provided*, That the banks or bankers thus designated shall give satisfactory security for the safe-keeping and prompt payment of the public moneys so deposited, by depositing in the Treasury United States bonds to an amount not less than the aggregate sum at any time on deposit with such banks or bankers.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. ALLEN. I should like to ask the Senator, before I object or refrain from objecting, if this includes the trust company in Cuba that has been made the subject of a resolution of inquiry?

Mr. ALDRICH. It includes any bank or bankers in any of those islands in which public moneys may be deposited, and requires before the moneys can be deposited a deposit of United States bonds equal in amount to the aggregate deposited at any one time.

Mr. JONES of Arkansas. In the Treasury?

Mr. ALDRICH. Yes, sir; in the Treasury.

Mr. ALLEN. I hope the Senator will exclude any possibility of that trust company.

Mr. ALDRICH. That is exactly what the bill will do; that is, it excludes them unless they deposit United States bonds.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. TELLER. I was detained in the Judiciary Committee this morning, and I ask leave that I may introduce a bill.

(The bill appears by title under its appropriate heading.)

LISTS OF SENATORS.

Several Senators addressed the Chair.

The PRESIDENT pro tempore. The Chair is in trouble. A list was made up in the usual way on Saturday last containing, I should say, from twenty-five to thirty names. The evidence this morning, as Senators rise in their places, is that they do not regard the list which was made up on Saturday. If there be no objection, the Chair will destroy it.

Mr. TELLER. I wish the Chair would destroy it and not make another.

Mr. FORAKER. May I—

Mr. WOLCOTT. I rise to morning business.

The PRESIDENT pro tempore. The Chair destroys what was called the list.

Mr. FORAKER. I was about to ask unanimous consent that we have some understanding as to when we can get up bills that are unobjected to and that can be considered by unanimous consent. I

have charge of two or three bills that ought to receive attention. One is in regard to Porto Rico, a very short one. I do not wish to interfere with the order of business, but if we could have an hour when we would take up bills by unanimous consent that are not objected to I think in one hour we could clear off that whole trouble.

The PRESIDENT pro tempore. The Chair begs to inform the Senator that a fruitless attempt has already been made this morning in that direction and that an order has been entered that the Senate shall take a recess from 6 o'clock until 8 o'clock this evening.

Mr. FORAKER. That does not interfere with our getting unanimous consent at any time we may be able to get it, I hope.

The PRESIDENT pro tempore. It does not. It has been tried without any effect this morning.

The Senator from Colorado will allow the Chair to say that the Chair thinks it better for him not to undertake to keep any list of Senators who desire to be recognized by the Chair during the remainder of the session. He will try to be entirely fair and impartial in his recognitions.

Mr. TELLER. I should like to say right there, in view of what the Presiding Officer has said, that I think it is entirely outside of propriety to keep a list of members of this body for recognition. It is a modern suggestion and one that was never attempted until very recently. I do not think there is any necessity for it, and I do not believe it is fair to the Senate. The rule is that the Chair must recognize those who rise in their place in this body; and that rule ought to be in full force, no matter what may be the rule or the custom in another place.

CLASSIFICATION OF CLERKS IN POST-OFFICES.

Mr. WOLCOTT. Some days since I gave notice of a motion to recommit the bill (S. 4163) for the classification of clerks in the first and second class post-offices. I desire to call up the motion this morning and to express briefly to the Senate the controlling reasons which make me feel that it should be acted upon at once.

Objection was made on a former occasion when I sought to move to recommit the bill, owing to the fact that the Senator from Delaware [Mr. KENNEY] was not present. I shall be glad to wait for his return to the Senate some time to-day; but if I can not have unanimous consent to do that, I shall feel obliged to call it up now. It will take but a moment.

Mr. CARTER. Mr. President, in connection with the request of the Senator from Colorado, I beg to make a statement. I objected to the consideration of the motion to recommit because of the absence of the Senator who introduced the bill and likewise of the Senator who reported the bill to the Senate. I observe that the Senator from Illinois [Mr. MASON] who introduced the bill is now present, and I therefore have no objection to the consideration of the motion at this time.

Mr. WOLCOTT. I assume, then, inasmuch as the objection—

Mr. MASON. I shall not object to unanimous consent to call up the motion as soon as the Senator who reported the bill comes in.

Mr. WOLCOTT. I shall be very glad if I may have such consent; if not, I feel it is my duty to call it up now. I ask unanimous consent that I may call it up on the return of the Senator from Delaware [Mr. KENNEY].

Mr. ALLEN. The Senator will be here during the day.

Mr. WOLCOTT. I am expecting him during the day, I will say to the Senator; but it will not be in order for me to call it up later unless I can have consent to call it up when I can get the ear of the Senate.

Mr. HALE. Is it not a motion to reconsider?

Mr. WOLCOTT. No; a motion to recommit.

Mr. HALE. But first a motion to reconsider?

Mr. WOLCOTT. No; a motion to recommit. I ask unanimous consent that I may be allowed to call it up during the day, at such time as I may with propriety obtain the floor.

The PRESIDENT pro tempore. The Senator from Colorado asks unanimous consent that at some time during the day, when he can get the floor, he may call up the bill referred to by him.

Mr. WOLCOTT. The bill for the classification of clerks in the first and second class post-offices.

The PRESIDENT pro tempore. Is there objection?

Mr. PETTIGREW. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. WOLCOTT. Then, Mr. President, I give notice that I shall ask the Senate to consider the matter latter.

ELI F. CHITTENDEN.

Mr. ALLEN. The Senator from Colorado [Mr. TELLER], who is entitled to the floor, has kindly yielded to me that I may ask unanimous consent for the consideration of a pension bill which will not lead to debate.

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. TELLER. If the bill will not cause any debate, I will yield; but I am anxious to proceed with my remarks, because there are other things to come in to-day.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of a bill, which will be read for the information of the Senate.

The bill (S. 2161) granting a pension to Eli F. Chittenden was read; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. GALLINGER. There are two or three trivial amendments which should be made to the bill. I move to amend in line 6, after the word "late," by striking out "a member;" in line 8, after the words "lieu of," to strike out "any pension he may" and insert "that he is;" and in the same line, before the word "receiving," to strike out "be."

The PRESIDENT pro tempore. The amendments will be stated.

The SECRETARY. In line 6, after the word "late," it is proposed to strike out "a member;" in line 8, after the words "lieu of," to strike out "any pension he may" and insert "that he is;" and in the same line, before the word "receiving," to strike out "be;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Eli F. Chittenden, late of Company B, Fourteenth Illinois Infantry, at the rate of \$50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER BRIDGE AT ALEXANDRIA, LA.

Mr. CAFFERY. Will the Senator from Colorado kindly yield to me that I may secure the consideration of a local bill for my State?

Mr. TELLER. I will yield to the Senator with the understanding that the bill will not create any debate and that it will only occupy a few moments.

Mr. CAFFERY. It will not occupy any time. I ask unanimous consent for the present consideration of the bill (H. R. 10650) to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana.

The PRESIDENT pro tempore. The Senator from Louisiana asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. HANSBROUGH. After this unanimous consent has been granted, I shall certainly object to others.

The PRESIDENT pro tempore. The bill will be read to the Senate in full for its information.

Mr. HANSBROUGH. I object to a Senator taking the floor to make a speech and then yielding to Senators who have appealed to him. I have appealed to the Senator from Colorado, but he has declined to yield, and has then yielded to other Senators.

Mr. TELLER. The Senator appealed to me for the passage of a bill to which I told him I wanted to offer an amendment, and which I could not do on the floor, as he understands very well.

The PRESIDENT pro tempore. The bill referred to by the Senator from Louisiana will be read in full for information.

The Secretary read the bill; and the Senate, by unanimous consent, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON TELEPHONE COMPANY.

Mr. JONES of Arkansas. The Senator from Colorado [Mr. TELLER] yields to me a moment to enable me to ask the chairman of the Committee on the District of Columbia about Calendar No. 1575, being the bill (H. R. 9047) to incorporate the Washington Telephone Company and to permit it to install, maintain, and operate a telephone plant and exchanges in the District of Columbia. I should like to know if, in the opinion of the chairman of the committee, this matter can be taken up in the very near future and passed? I should be glad to have it passed at this session of Congress, if possible.

Mr. McMILLAN. I do not know that I can answer that question. I can not say whether the bill can be passed at this session or not, but my judgment is that it can not be passed, owing to the objections that have been made by different Senators to taking the bill up at this time; but I can not definitely say, of course, what will be done. The impression I have, however, is that the bill can not be passed at this session. The Senator, however, knows as much about that as I do.

Mr. JONES of Arkansas. The bill is a very important one, and, of course, I for one should be very glad to have it acted

upon during this session of the Senate. There has been some informal consultation among Senators about the passing of the bill. Some propositions have been made that it should go over; and I should like to know what the views of Senators may be who are opposed to taking it up at this time about considering it early next session.

Mr. PETTIGREW. Mr. President, so far as I am concerned, I am opposed to the passage of the bill, because I do not believe it is a remedy for existing evils to incorporate another telephone company in this city. It means that the people shall have two telephones; it means that the streets of the city shall be torn up for a year, and at the end of the year the consolidation of the two companies into one company and a repetition of the same old thing over again—that is, the service can not help being a monopoly.

To-day the people of this District are paying three times more than they ought to pay for telephone service, and the only remedy is ownership of the line by the public. Any other remedy is absolutely impossible of accomplishment. The very offering of this bill is an assumption that you can not regulate the matter, and if you can not regulate then you must own.

Mr. TELLER. If this matter is to be discussed, I shall claim the floor.

Mr. GALLINGER. I ask the Senator to yield to me for a moment.

Mr. TELLER. The Senator from New Hampshire [Mr. GALLINGER] thinks I ought to allow him to reply to something which has been said, and I therefore yield.

Mr. GALLINGER. Not exactly to reply; but I feel sure that the Senator from Arkansas [Mr. JONES], from a private conversation we had, expects that I shall make a very brief statement concerning the telephone matter.

The Committee on the District of Columbia was equally divided on this question, or substantially so, and the bill was reported only a few days ago. Of course, under those circumstances, it is evident that the bill can not pass at this session.

Mr. President, I have heretofore opposed the granting of these charters for independent companies, and at the proper time I shall state my reasons for it. I think I have done so once or twice before. But I will say to the Senator from Arkansas and to the Senate that the old company has recently been reorganized, with Judge Wilson at its head, and has enterprising men connected with it, who think they can satisfy the people of this District if they are given the summer months to reorganize their company and put it in operation.

I hope that no attempt will be made to pass the bill. It will be futile if attempted. I feel sure, when we come back here in December next, if this company has not done the fair thing, and if it can be made to appear that the new company has the requisite financial backing and is composed of honorable men, some adjustment of this question can be made, even though it may result in the incorporation of a new company in the District of Columbia.

I certainly shall not feel at that time like making any unusual opposition to the incorporation of a new company. I shall not say in advance what my position may be in regard to the matter, but it seems to me that fair play and proper consideration for invested capital ought to lead us, in the closing days of the session, to let this bill go over in good nature; and when we come here in December next, if it is necessary to take the matter up, let us take it up and consider it fairly and deliberately.

Mr. CARTER. Mr. President—

Mr. TELLER. I can not yield to a general discussion of this question.

Mr. CARTER. I should like to ask the Senator from New Hampshire a question before he takes his seat.

Mr. TELLER. I must object. The Senator can do so later.

Mr. CARTER. Very well.

The PRESIDING OFFICER (Mr. SCOTT in the chair). The Senator from Colorado [Mr. TELLER] has the floor.

Mr. NELSON. Mr. President—

Mr. TELLER. I yield to the Senator from Minnesota.

Mr. NELSON. I ask unanimous consent that after the remarks of the Senator from Colorado a full hour be given for the calling up of bills by unanimous consent, not, however, to interfere with conference reports on appropriation bills.

Mr. JONES of Arkansas. I hope the Senator from Colorado will allow me one minute in view of what has occurred in the Senate.

Mr. TELLER. I must do that, of course.

Mr. JONES of Arkansas. I confess my disappointment at what has occurred in the Senate. I was led to believe if the telephone bill went over this session that there would be no objection to having the bill passed at the beginning of the next session, if certain difficulties which have been alleged to be in the way of a new company carrying out its agreements with the public could be obviated. It is practically impossible, of course, to have this bill considered at this session. I would make a motion, and endeavor

to have it agreed to if there was any hope of having it done, but in the last days of the session I recognize that it is impossible. I give notice, however, to the Senate that in the first days of the next session I shall ask the Senate to consider this bill with a view to an early disposition of it.

Mr. NELSON. Mr. President, I made a request.

Mr. TELLER. I am willing that the Chair shall put the request of the Senator from Minnesota.

Mr. PETTIGREW. I object to the request.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. TELLER. Mr. President, I feel like apologizing to the Senate for making a speech in these last hours of the session; but it has been nearly a week since I gave notice that I should speak on this question, endeavoring to get the floor, and giving way to everything that came up. I think I shall be excused, under those circumstances, if I take a short time in discussing this very important subject.

Mr. President, I have expressed my views upon the question of the Spanish war, and have endeavored to do so from a nonpartisan standpoint. I have not considered these questions in relation to their political bearing, but I regret to say that all speeches that have been made by the friends of the Administration during the last three or four months, it seems to me, have had a strong political bias, and there has been much more anxiety about the political effect of certain policies than with reference to the justice or righteousness thereof.

The junior Senator from Indiana [Mr. BEVERIDGE] led off with a very remarkable speech—a speech that had some very striking features in it. Amongst others was a decided laudation and eulogistic statement in reference to the party to which he belongs and especially emphatic and noticeable as to the Chief Executive of the nation.

With this was coupled, it seemed to me without any particular reason why it should have been done, the condemnation and severe criticism of the late Democratic candidate and the very probable Democratic candidate in the coming campaign for the Presidency. I was inclined to attribute that to the youth and enthusiasm of the Senator from Indiana, and thought perhaps when he grew older in the public service he would not feel that it was quite the duty of a Senator to stand here and laud with sycophantic praise the Chief Executive of the nation. But later the junior Senator from Massachusetts [Mr. LODGE] also addressed the Senate on this subject in a speech that attracted the attention not only of the Senate, but, I think, of the country at large. I would not be out of the way if I should say it was a rather remarkable speech, containing many very valuable suggestions and ideas; but great as it was, it also was marred, in my opinion, by his eulogy of the President and by his abuse or his criticism of the late Democratic candidate for the Presidency.

Later the senior Senator from Massachusetts [Mr. HOAR], who is not in accord with his party on this question and who has prophesied and predicted great evils to come to the country by reason of what he declares to be the policy of his party, thought it was his duty to laud the Republican party while he condemned its act; to praise the President while he differed with him as to his policy.

Following that came the speech of the Senator from Wisconsin [Mr. SPOONER], a speech full of interest and full of examination of the subject; and yet he, too, felt it was his duty to bring before the Senate the late Democratic candidate for the Presidency and to criticize him in severe terms. He also thought it proper to eulogize the President, not quite equally with the senior Senator from Massachusetts [Mr. HOAR], but in language that is unusual to Senatorial ears, in language that is not befitting this Chamber.

I shall endeavor, if possible, not to make a political speech. This question is one of great concern to the American people. I will admit that my speech may be somewhat tinged with my opposition to what I now am compelled to believe to be the policy of the Republican party in power, but I shall endeavor to treat the subject as fairly as possible.

I am one of those who believe that when Dewey went into Manila Bay and the Spanish fleet was destroyed, American sovereignty attached in a greater or less degree to at least the island of Luzon, and I said then, and I have seen nothing since to convince me to the contrary, that the American flag having gone up there, it was very likely to stay up for an indefinite period of time. With that I find no fault. By the laws of war we occupy those islands, or at least we occupy the chief island, which has been the dominating political center of all the other islands.

I think it is no more than fair to say that when we became

masters of that island we became the practical master of all the other islands. There was war between Spain and the people of those islands, or of one of those islands, Luzon, which had been in existence on and off, perhaps, for fifty years, and yet there had never been established a permanent government, and there was no government there when Dewey went into the harbor of Manila, save that of Spain. When we took possession of it, it seemed to me that we took with it the sovereignty that Spain had.

Later we entered into a treaty with Spain, in which Spain ceded us her control over the islands, whatever it might be. That has never counted with me for anything. I do not believe that we acquired any title by that treaty which we did not have by conquest. I am not one of those who do not believe that a republic can conquer and appropriate territory to its use if it becomes necessary. I believe that it can be done by a republic as well as by an empire.

I find no fault with the status that existed there so far as the claim on the part of the United States to sovereignty or domination over those islands is concerned, and I shall not waste time to go through with the consideration of the question whether we have a right under international law to be there. What I am concerned about, and what I think the American people are concerned about, and that to which I wish to address myself very briefly, is what is to be the policy; what are we to do in these islands? Are we to govern them with absolute imperial power, or are we to treat them as entitled to what all people are entitled who are capable of enjoying it—the right of self-government? Our title can not be questioned, according to my notion, under international law. It is only a question whether we, in accordance with the traditions and the history and the principles of our own Government, can establish a government there, and what shall be its character. Nobody in the world, save the inhabitants of the islands, is raising any question as to our title. So we do not have to concern ourselves with the rest of the world. Our concern is principally with the people of the islands and with our own people.

Mr. President, I am one of those who believe that the treaty ought to have been ratified. I did not believe it because it was the policy of the Republican party to ratify it; but I believed it in spite of that fact. I believed it because I believed it was our duty to close the Spanish war as speedily as possible. I believed great harm would come to the Republic if we continued the war. I believed there was virtue enough in the American people, when our sovereignty was acknowledged by Spain and when our sovereignty was acknowledged, as I had a right to believe it would be, by the people of the islands; so that we could and that we would establish a government there in which the great fundamental principles of free government and of a free people would be recognized. I had no conception that we would establish an imperial colony, although I have said, and I repeat, I believe a republic may have colonies just as well as any other government in the world; but they must be colonies founded upon the great fundamental principles of free government and the participation in the government by the people of those colonies, if colonies they are to be.

We might, in the course of human events, find it, as I think we have found it now, our interest to become controllers and owners of certain territory which we did not care, either because of its distance from our shores or because of the character of the people, to annex and make a part of the Republic; and to say that if the fortunes of war should cast upon us an obligation, or conferred that opportunity upon us, and we could not take advantage of it, is to say that a republic rests under some embarrassment that an aristocratic or a monarchical government does not.

Mr. President, it would have been impossible for the Administration to have secured the ratification of the treaty but for the assistance it got from the opposition. There was not a two-thirds vote in the Senate, if every Republican here had joined in its ratification. It required, under the conditions that existed, 17 of the opposition. At least 17 were required to secure the ratification. We are aware, the public is aware, that the most positive and active opposition in this Chamber and the most virulent came from Republican members of the Senate. Of the evils predicted and the charges made against the Administration and what it would do under the treaty the most severe and wicked came from the men who are in full accord with their party upon general propositions, but differ with it upon this. I am not exposing any secrets of executive session when I say this, because the utterances of the Senators in this Chamber were not different from their utterances on the rostrum and outside.

I was not one of those who believed that the Republican party had become so lost to the great principles upon which it was founded and which gave it control as to believe myself that they could, for a moment, do what distinguished Senators of that party on this floor declared they would if we ratified the treaty. If I had believed it, I should have joined with them in refusing to ratify the treaty. So would a number of the Senators I know who voted for the treaty. We voted for it because the traditions

of this party had been against any such proceeding, because the traditions of the American people, irrespective of party, had been against any such proceeding. There was no reason why those of us who are outside of the Republican party should suppose there was an element in it that would insist upon governing these islands with imperial power.

I do not know, I am not quite certain yet, that the party in power does intend to govern with imperial power, and yet there are so many things which indicate it that I have taken some alarm from the present tendency in that direction. The Senator from Wisconsin [Mr. SPOONER], who last addressed us on this question, assured us that there was no question of imperialism concerned, and that there could be none, in the coming campaign. There will be no imperialism unless the Republican party in power now in both Houses of Congress and in the executive branch of the Government shall make it so. It rests with them.

Mr. President, I want to consider for a very brief time the question whether or not the indications now are that the Government does intend to govern with imperial power. I wish to repeat that I see no way to surrender these islands. I see no way to give up our control over them. I believe an obligation that we owe to the world requires us to maintain our sovereignty, and I believe we can maintain that sovereignty consistently with the traditions of the Government; that we can give to those people self-government and independence, in the proper sense of the term, while we continue to exercise sovereignty and supreme international power.

I do not know that anybody has suggested that we should abandon them. I do not recall anybody who has ever said that we should entirely abandon them to the mercy and prey of other powers. Even the senior Senator from Massachusetts [Mr. HOAR] has declared that he does not believe that we should turn them over to Spain, and I think everybody agrees that that is an impossible thing. I think he also—and if he did not, pretty nearly everybody else who has been opposed to imperialism has—declared that the Government of the United States must stand between these people and the world until at least they are able to take care of themselves. They may be able to establish a government of their own; they may be able to administer it and accomplish all that governments are instituted for, and yet not be able to maintain their place among the nations of the earth. I believe if you should submit that question to the American people, they would with one voice say we must stand between them and any foreign power who shall attempt to invade their territory or control their destiny.

Mr. President, I do not know whether or not there will be any question of imperialism in this political campaign. As I said before, there will be none unless it is made by the Republican party. No other party could make it. If the Republican party is opposed to imperialism, there can be none.

The senior Senator from Massachusetts [Mr. HOAR] told us again and again, in his speech made some two months ago, that the Republican party in power did intend to govern those islands with imperial power. He called upon them to retract or return to the old fundamental principles of the party and to abandon imperialism. He predicted in that speech not only the destruction of the Republic by that policy, but what seemed to me to hurt him very much was the destruction of the party to which he belongs.

I listened to him with great interest and with great attention. When he got through I was unable to say whether his anxiety—on which he had expended pathos and learning—arose because of his interest in the cause of liberty and freedom and the people of those islands, or whether it was simply that he was afraid that the course being pursued would bring his party to defeat. If anything was striking in his speech, it was his appeal to the party not to face defeat, but to change their policy, which he declared to be imperialistic, for fear of defeat. That is in keeping with the criticism that has come from Republicans everywhere of this proposed and supposed policy of the party. Everywhere there has been infinitely more concern about the salvation of the party in the coming campaign than there has been that justice and right should be meted out to these people who have fallen under our jurisdiction.

Mr. President, it is not encouraging to those of us who believe that a country like ours, having an opportunity of this kind, is and ought to be governed by the great fundamental principle that withholds from no man the right of self-government. It would be more hopeful if the appeal were made, as it has been made by the opponents of the Republican party, not to do this thing on the ground that it is contrary to justice; even they may add, which I think is right, that injustice by a nation will be visited back upon that nation as certainly as injustice from one individual to another.

I believe we shall keep these islands. We shall keep them with infinite distress. We shall keep them at a cost infinitely greater than their value. We shall keep them because conditions are such that it is not easy for us to let them go; and believing that,

I repeat that what I am concerned about and what we ought all to be concerned about is, What are you going to do with them? We have had them for fifteen months. We have had a war there for fifteen months. We were told when we went away from here a year ago last March that the war was over; that peace would settle down over that country. We who believed that it would be impossible for any government here ever to attempt to establish an imperial policy over colonies or territories hoped and expected a declaration from the party in power of their policy. We came back here in December to find the war still rife. It is rife to this hour. It is possible, if the newspaper reports this morning are true that Aguinaldo, who has been perhaps the chief actor in this opposition to our control, has been killed by our troops, that there may be a cessation for a little while, but I do not believe peace will come with the death of one man. A race like the Malay race, a race of which I spoke in December, 1898, as a fighting race, the fighters of Asia—the Yankees of Asia, as they have been called—are not to surrender the rights which they believe to be theirs because of the death of any one man; and we shall go away from here this week and return again next fall, in my opinion, with this war still on.

Mr. President, I regret that the Senator from Wisconsin [Mr. SPOONER] is not here, because if he were I should appeal to him as a close friend of the Administration to secure, if possible, some enunciation of a policy that would not let imperialism be the issue. If imperialism is not to be the issue, it is in the power of the Republican party so to declare now, and take it out as an issue if it has already been made an issue. Will it be done?

That brings me—and I am going to be just as brief as I can; I am not going over the whole ground—to the question, What have the Republican party done with reference to convincing the American people of the untruthfulness of the charges made by illustrious members of their party, distinguished members on this floor, distinguished members in public speeches made in all the great cities, declaring that it is the policy of the Republican party to govern these islands with imperial power?

I denied them a year and a quarter ago. I did not believe them then. I am compelled to say that all the indications are that I was mistaken then. We have provided a government for one of the Spanish provinces, and that is Porto Rico. I wish to say a word about that, inasmuch as it indicates what is going to be the policy as to the Asiatic archipelago. It seems to me that that is the way we can determine what the policy of the party is to be. I want to call the attention of the Senate to that for just a moment.

We passed what has been called the civil government bill. I think by that act we made Porto Rico a part of the United States. I did not think it was a part of the United States. I do not think so yet. I think it was for Congress to determine whether it should be an integral part of the United States or not. I think we established a government there in a relation which makes Porto Rico absolutely a part of the United States, and that every citizen there is equitably, no matter whether he is legally or not, entitled to all the privileges and immunities and benefits of the constitutional government of the United States.

Now, what is their condition? When they send their goods here, they pay a duty. When we send our goods there, we pay a duty. I voted for the duty on goods coming here from Porto Rico, because I did not want to make Porto Rico a part of the United States. I did not want the Government of the United States to extend to those people all the privileges of citizenship. I wanted to give them free government exactly as we had agreed to give free government to Cuba. I said in December, 1898, and I repeat it, that morally, in my opinion, we are bound to treat all of these possessions as we are pledged to treat Cuba. If they want a close relation, and we want it, that is another question, but they should have the choice, a free government, if they want it, under our protection, if it is necessary, as I believe it would be.

It is very possible that we may have the power to do that. I will not go into that point. It is a disputed question. But here is a question which is not disputed. If we have the power, we have no right to use it. There are plenty of powers given to a government that it is not required to use and would not be justified in using. You established a relation of citizenship by the act, in my opinion, not *eo nomine*, not by the words, which the chairman of the committee struck out with great parade, saying "we will not make these people citizens;" he had those words in, and he struck them out; but you extend the laws over them; you compel them to swear allegiance to the Constitution, which you say does not exist there any more. It did not exist there, according to my theory, until we put it there, and we put it there, not by declaring it was in force, but by declaring that they were under obligations to obey its mandates; and if they are required to yield obedience, they have a right to claim the benevolences that exist under it.

It is said we have a civil government. They had a military government there. There never was a war there that amounted to

anything. They are not a fighting people. They surrendered without a contest, and we carried on a military government there until a few weeks ago, when we sent a governor there, and we established a civil government, so called. I want to call the attention of the Senate for just a few minutes to the distinction, if any, that exists between the civil government and the military. It is only a name. It is only this: The President of the United States appointed military men, and he need not have appointed military men, if he had not chosen so to do, to govern the island. The President appoints the government of that island now absolutely. The President of the United States has that island under his dominion and under his control as absolutely as the Czar of Russia has Russia; infinitely more than any English colony is under the control of Great Britain.

Mr. FORAKER. I dislike to interrupt the Senator, and I will not unless it is entirely agreeable to him.

Mr. TELLER. I will hear the Senator. I do not want a speech made. If the Senator wants to ask a question or to make an explanation, I will yield.

Mr. FORAKER. I want to ask the Senator how the government of Porto Rico becomes more imperialistic or more arbitrary and autocratic by reason of the fact that the President appoints the governor than is the government of our Territories, for which the President appoints also the governors?

Mr. TELLER. If the Senator will wait I will tell him.

Mr. FORAKER. I have been quiet a good while under what seemed to me to be a good deal of provocation.

Mr. TELLER. The Senator will have his opportunity when I get through.

Mr. FORAKER. Yes, that is quite true, and I told the Senator I did not wish to interrupt him unless it was entirely agreeable to him.

Mr. TELLER. I do not intend to be offensive to the Senator from Ohio or to anybody else. I am speaking impersonally. I did not vote for the bill. I did not vote for it because I believe what I say of it now, and if the Senator will allow me, I will go on and tell him why I say it is an imperialistic government over there, and if it is not I want some man who knows what an imperial government is to tell me what it lacks in imperial power and in imperial qualities. The President of the United States appoints the governor.

Mr. FORAKER. Will the Senator allow me to interrupt him again? What I wanted to have the Senator state is, how that government differs from the government of our Territories in the particular in which he spoke of that government.

Mr. TELLER. I will tell him.

Mr. FORAKER. It has its legislature, as have the Territories.

Mr. TELLER. I will tell him, if he will allow me to do it. I lived for sixteen years in a Territory. We had judges and we had governors appointed by the General Government. We were absolutely independent of the Executive power when it came to our legislature, being limited only by our enabling act, which was our constitution. We elected all our local officers. We elected various Territorial officers. We had a legislature presided over not by a governor appointed—

Mr. FORAKER. The governor does not preside over this legislature.

Mr. TELLER. If the Senator will rest quiet, I will tell him. I do not blame the Senator for his restive feeling. He has been a Republican in the strongest sense of the term. He has believed, as I believe, in these great fundamental truths of a free government, and if party policy and party necessity force him to do—as I shall show before I get through that I think they have—things which his judgment could not approve of, I do not feel like casting stones at him, but really feel like extending him my sympathy in his distress.

Mr. FORAKER. The Senator will at least allow me to thank him for his sympathy, although it may not be appreciated. But what I wanted to say is something that I thought the Senator would be glad to have me say, for I think the remark he made was under a misapprehension. As the bill was originally drawn, the governor was made the presiding officer of the executive council.

Mr. TELLER. I knew that was not so.

Mr. FORAKER. But he is no more a part of the legislature than is the governor of any State or any Territory, as the law now stands.

Mr. TELLER. I will get at it. The executive is appointed by the President. That is the governor. One branch of the legislative department of the government is appointed by the President. There is a council of thirteen. That council is the creature of the President of the United States absolutely, responsible in no wise to the people. If we may judge from what has been our experience, they will be appointed out of the office-seeking, office-plundering branch of the Republican organization. Five of them may be appointed from the people of Porto Rico. Seven out of the thirteen will be appointed from people who have no interest

in Porto Rico except what they get as officeholders there. They do graciously allow in that bill one branch of the legislature to be elected by the people, but the council, which is the upper branch, has the absolute veto upon anything that they may do, and the governor has the veto on all of them, unless two-thirds of both branches shall override that veto.

Do you expect that the council will be likely to run counter to the governor? A distinguished citizen of Massachusetts was sent there as governor, and we were told that he was going there to look over the field and to tell the President who ought to be appointed to the offices there. He is to be the autocrat. He is to be the mouthpiece of the President. Do you suppose he is going to quarrel with the President? Whatever the President's policy is, that he is going to execute. That is all the Czar of Russia does. He appoints a council of 60 men, distinguished men from all over the Empire. Of course he is supreme. He is not more supreme over the 60, however, than the President of the United States will be over the 13. If they do not do the will of the President as the governor thinks it ought to be done, then they will walk out, and some other more pliant men will take their places.

I want to say to the Senator from Ohio that no Territory, except temporarily, for a few months, has ever been governed in that way, and I want to say to him, further than that, that when Colorado was organized as a State if the Government had set such a government over us we would not have allowed it to go into operation.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. TELLER. Certainly.

Mr. FORAKER. I remind the Senator that the legislative policy for Arkansas, Missouri, Mississippi, and Alabama, as well as Louisiana and Florida, was that all should be appointed by the President, and they were continued for many months. I will remind the Senator further that the bill provides on its face that this shall be only a temporary arrangement until a commission, which it provides for, can, within twelve months from the date of the passage of the act, report to the Senate a permanent form of government.

Mr. TELLER. Oh, Mr. President, there will be no permanent form of government except this. The council is a continuing feature of that government. It is not a temporary government. The condition was entirely different in Louisiana. It was entirely different everywhere in that section of the country. They had a provision in the treaty which brought that country into the United States that they should ultimately come into the Union as States. Here is a territory with a million people, a quiet, peaceable, law-abiding people, that are absolutely delivered from the possibility of any voice in the Government under which they are to live.

The executive council, the mouthpiece of the President, or the governor, whoever he may be, determines the qualifications of the voters, and ratifies the acts of the governor in appointments.

Mr. President, when I get through I hope the Senator from Ohio may find time to stand up before the American people and tell them, if he thinks that is a free government, upon what idea he bases it. I should like to have believed from the beginning that we were going to treat those people fairly. I believe the government here proposed is an outrage upon the people and an outrage upon the principles of the people of the United States as we have enunciated them from time to time. All franchises in the island must emanate from this council. The district judges—those are the inferior judges—are to be appointed by the governor and confirmed by the council. The executive council shall fix the salaries of all except the appointees of the President. Those we fix. All official salaries and expense shall be paid out of the revenues from Porto Rico on the warrant of the auditor, countersigned by the governor. Never was there any Territory that I know of governed in that way, except perhaps a few months while Claiborne was down in Louisiana.

The Porto Rican bill can not be encouraging to the friends of free government anywhere. It will not do over there to say they are barbarians. It will not do to say they are incapable of self-government. I know that their education is rather limited. I know that only a small percentage of them can read and write. But there are many people in the world who could neither read nor write who have governed themselves. History is full of cases where they battled for freedom and understood it and prized it. I heard a distinguished man once say, when speaking of this question, whether truly or not, I do not know, that three-fourths of the men who followed Washington could not read and write. It may be that that estimate was too large; but I will venture to say that when old Marion and Sumter led their forces in South Carolina they led a small army of men who could neither read nor write, and who understood the rights God had given them as well as if they had been readers of all the classics of the world.

Men do not have to read and write, Mr. President, to know that the Almighty designed that they should be freemen and not slaves.

Those people are capable of self-government. You deny it to them. Why, Mr. President? Because you want to make places for your henchmen, because the patronage is dear to the present Republican sentiment and present Republican policy.

Now, Mr. President, coming back to the other people, we have here the best thing that can be offered to us after fifteen months, and what is it? That the President shall continue to do practically what he is doing to-day in the Philippine Islands; that he shall govern by the war power, although he may govern under the name of a civil governor. It declares that when the military and naval forces of the United States shall have suppressed the opposition to it out there—the insurrection, or whatever it is called—all military and civil and judicial powers necessary to govern the island provided by Congress shall be vested in such persons and shall be exercised in such manner as the President of the United States shall direct, etc.

I wish some Senator would tell me what is the difference between the present condition and what it will be when the rebellion over there, if you choose to call it that, is suppressed? What is the difference? The President now is absolute. He is the Commander in Chief of the Army. Every law that existed there is suspended if he chooses to suspend it. He can modify it, wipe it out, remove all officers who are there and appoint new ones; and that is what he has done.

That is what is proposed in this bill. Anticipating this, the President has already appointed a commission to go to those islands. They are already there, and if the newspaper is correct this morning, they have announced their policy, which is to govern exactly as General Otis has been governing heretofore—by virtue of the power vested in them by the Commander in Chief of the Army. When war shall have ceased, will there be any difference in the government if the President of the United States should appoint them than the condition which exists from what he has done now?

Mr. MASON. Will the Senator from Colorado allow me to ask him a question, if I do not interrupt him?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Illinois?

Mr. TELLER. Certainly.

Mr. MASON. Does the Senator understand, as it is reported this morning, that the commission sent to the islands are absolutely limited in their authority, and in all communications to the people not in arms; in other words, that they are not permitted to communicate with or treat with those who are armed?

Mr. TELLER. I do not know anything about that. If the Senator knows it is a fact, I will accept his statement.

Mr. MASON. I simply saw it stated in the paper this morning, as a part of their instructions.

Mr. TELLER. I am not in the councils of this Government. I have not been invited to be, and I am not in the habit of intruding my opinions, except as I do it here occasionally. I do not know whether the power of the commission is limited simply to governing or whether they may represent the President to an extent sufficient to endeavor to bring about a cessation of hostilities. I have expressed my views on that on sundry occasions, saying after the war began and several times since that I did not believe it was inconsistent with our dignity or our character or our relations with those people to say to them, "You are mistaken; we do not propose to impose upon you any government such as you suppose we are about to impose."

Mr. President, I wish to ask the Republicans of this body if, after fifteen months or more since the treaty was ratified, that is the best thing they can offer to the American people? Is that the best thing they can offer to the people of those islands? Is it the guaranty that they think will bring peace to say to those people, "When peace is restored, when you have laid down your arms and submitted to the sovereignty of the United States, we intend to govern you just as we are governing you now, by the strong arm of autocratic power?" Does anybody believe that that declaration that has been on our files here now since January 11 has had any tendency to bring peace in those disturbed islands?

We hear about the danger of protests against imperialism. If those people could be made to believe that we do not intend to destroy their liberties, but we intend to give them the freedom that they aspire to, nobody believes the war would last a single day. What effort has been made to convince them of our good intention? Has there been any? I do not know that there has. We ought to know affirmatively if such an effort has been made and has failed. It is the duty of the Government to attempt to bring those people in accord with us, to convince them that the declarations repeatedly made here and elsewhere in the United States were not true, if they are not true, and that the Government did not intend to govern them with imperial power. No effort has been made that I know of. The declaration has been made on this floor by the friends of the Administration again and again that they did intend to do it. I do not know whether the newspaper statement was true or not that in Aguinaldo's saddlebags the

speech of the junior Senator from Indiana [Mr. BEVERIDGE] was found, in which there was an address prepared saying that this showed the death of liberty to the Filipinos, or something of that character. I do know if ever that speech had been promulgated amongst those people, it gave them no hope. It left not a shred of hope that they would be a free government, nor a government partially free either.

Mr. President, I do not desire and I do not intend to be led into any excessive condemnation of the Administration. There is nobody who is more disappointed in its attitude than myself. I had believed, as I said before, that it was impossible for any Administration to believe that nine or ten million of people could be governed from here. I thought a fair acquaintance with the character of the people in those islands would convince anybody that they were not a people to submit to arbitrary power in which they had no voice whatever. I say the policy of the party is that now, as shown by the bill now before us, which was introduced by the distinguished Senator from Wisconsin [Mr. SPOONER], and came from the committee with the support of all the Republicans in it, and I predict, if it comes to a vote, it will receive not all, but practically all, the Republican votes of this body. I say that it is a Republican measure; that it indicates the policy. If it does not, then there is nothing after fifteen months to indicate the policy at all.

Mr. BACON. Will the Senator from Colorado permit me, in this connection, to call attention to a dispatch in the paper this morning?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. TELLER. Certainly; I yield.

Mr. MASON. I can not hear what the Senator from Georgia is saying.

Mr. BACON. I ask the Senator from Colorado, as he was about to pass over that, to allow me to call attention to a dispatch published in the papers this morning from Manila, in which Judge Taft, the newly appointed commissioner and chairman of the commission, is represented as having said that he was surprised that the people in Manila had not heard of the Spooner bill, and he spoke of it in the highest terms as that which would be the policy to be followed by the governing power, exactly as the Senator from Colorado now suggests.

Mr. FORAKER. Is not the Senator mistaken in this? He may have read another dispatch, but the dispatch I read said Judge Taft expressed surprise that the Spooner bill had not yet been passed by the Congress. The Spooner bill was pending when Judge Taft was here prior to leaving.

Mr. BACON. If any one has this morning's Post here—that is the paper in which I read it—it distinctly said that he was surprised the people of Manila had not been informed of it, the idea being that if they had been they would be entirely satisfied with its provisions; that it looked to the good of the future of the island.

Mr. TELLER. If the people of Manila or Luzon were satisfied with the provisions of the bill, it would be evidence enough to me that they are incapable of self-government.

Mr. BACON. The Senator will understand—

Mr. TELLER. I do not believe that they ever would be satisfied with its provisions.

Mr. BACON. The Senator has spoken of it as the policy of the Administration. I was simply calling attention to the fact that the representative of the Administration there had cited it with approval as foreshadowing the future policy of the Government.

Mr. TELLER. That had escaped my notice. That is another evidence that the policy of the Administration is in this bill.

Now, Mr. President, without going over the ground very much, I want to say that as to that policy I totally dissent. I believe the American people will dissent from it; and if that is the policy, and we go away from here with no contradiction of it, it will be, notwithstanding what the Senator from Wisconsin said, an issue in the coming campaign. The party has had, as I said, time enough to have enunciated the policy. It has not enunciated it unless it is enunciated in the manner in which I have spoken.

Every Senator who has spoken in defense of the Administration's policy has complained that those who do not agree with it have unduly criticised the President. I have heard at least one Senator speak of such criticism of the President as abuse.

No President has escaped criticism and abuse. No man got more of criticism and abuse than the first President, except Abraham Lincoln, who, all things considered, doubtless received more unmerited criticism and abuse than any other President; and I am not sure that he did not receive more than all others. Such criticism of Lincoln was not always confined to his political opponents.

What is just criticism and what is abuse depends on the standpoint of the observer, and no rule can be laid down to distinguish between criticism and abuse. The right of criticism no one will deny; and as there can be no tribunal, save that of public opinion,

to determine what is just criticism and what is not, there will never be at the time of utterance any authority to draw the line between just and unjust criticism.

Senators complaining of unjust criticism often, especially during the last year, have considered it within the canons of good taste to deliver fulsome eulogies on the President, eulogies that would be extravagant over our dead, of whom we are to speak only good.

He has been placed above the most illustrious of his predecessors. It is said he occupies a place in the hearts of the people above that occupied by Washington and Lincoln. It does appear to me that such praise is unsuited to this Chamber and is much more dangerous to our institutions than the most savage criticism. When criticism of Executive acts of party policy is denied to us here or denied to the public press and the people, we may tremble for the Republic.

Senators who complain of criticism here ought to consider the criticism of their own press on the course of the President with reference to Porto Rico. Such criticism may not express the opinion of the rank and file of the President's party, but it certainly represents the opinions of very many of its leading and influential members.

Infallibility is reserved for the Pope of Rome. If the President makes mistakes, are we to hold our peace; or if we call in question his wisdom, are we to be chided here for it? In monarchical countries there is said to be a divinity that hedges the king about. Are we to apply that rule here?

Mr. President, I speak with no personal disrespect when I say I do not believe the American people have placed the President above Washington, above Lincoln, nor can I believe that such sycophantic declarations are pleasing to him.

He is a common-sense citizen. He knows that there is nothing in his official career that can entitle him to such a place in the hearts of the American people. I should be sorry to believe the American people place the great services of Washington during our Revolutionary war and the great services of Lincoln during our civil war on a par with the services of the President in our recent difficulties with Spain. To suppose such a thing is to suppose that they do not appreciate the great struggle for our independence nor our equally great struggle for the preservation of our national life and the integrity of the Union; that they are incapable of distinguishing between great events and events of lesser importance.

I have not said this to defend myself for criticism I have made of the Executive, for I believe no man here will claim that I have made any unfair criticism.

Mr. President, I wish to say, in conclusion, that I have been greatly concerned as to the outcome of the difficulties that we are now encountering. I have determined from the beginning that I would throw no obstacle in the way of the Administration, not because I have any liking for it, not because I believe its continuance in office will be beneficial to the American people, but because I realize that in dealing with these questions there are great embarrassments, and the best-intentioned people in the world may make mistakes.

I do not believe that I have indulged in any unjust or unfair criticism. I believe it was the duty of the Republican party to enunciate a policy different from that which was enunciated by the junior Senator from Indiana [Mr. BEVERIDGE], and entirely different from that which the senior Senator from Massachusetts [Mr. HOAR] declared here on this floor was the policy of that party. We ought to have known it if the party in power desire to rule these countries with imperialism, with power unrestrained and unrestricted, unparticipated in by the people. It was but fair that they should say so.

I want to say, in answer to the declaration so emphatically made by the Senator from Wisconsin [Mr. SPOONER] to the effect that there would be no question of imperialism in this campaign, that question rests with the Republican party, and they have got from now until the close of this session to convince the American people that the charges against them are untrue, if untrue they are.

Mr. President, it is a great pity that we can not discuss this question without partisan politics. But that seems to have been impossible; for, as I said in the beginning, every man who has seen fit on the Republican side to address the Senate on the question has apparently been more concerned about the political influence of the acts than he has as to whether they were right or just. He has been more concerned about the coming campaign than peace in those islands for years to come. He has been more concerned as to whether the candidate of the Republican party will be hurt by it than whether we shall hurt those people there, and in hurting them we shall certainly hurt ourselves.

We can not govern those islands with imperial power. If they were willing that we should, we ought not to do it. It would be to their hurt and it would be to ours. I recall the fact, Mr. President, seeing the junior Senator from Indiana [Mr. BEVERIDGE] in

front of me, that he prophesied we would give to the people of the Philippine Islands such a government, so pure and lofty, so patriotic and high, that the reflex influence upon us would bring us out of the slough of despond of patronage and the low plane of politics and put us also on a high plane. Mr. President, I have wondered every time since when I heard from Cuba whether the Senator thought there were very many indications that his prophecy would ever become true.

Oh, Mr. President, the way to govern a people is to give them the right to govern themselves. It will not do to say that the people of the Philippine Islands are incapable of self-government. They are capable of it. The people of Cuba are capable of it. The people of Porto Rico are capable of self-government. They may not escape some trouble. It is very possible that if you organized a government in Luzon there would be some trouble. Thank God, we have not interfered with very many of the islands; most of them are going on and governing themselves, apparently peaceably, and quietly, and orderly; and there is no trouble anywhere except where we have gone with our troops. In every island where we have let them alone there has been peace and order and a government that has performed the offices that governments are instituted for.

They can do it, Mr. President. I repeat, not without some trouble; but, then, what nation even in the highest state of its civilization did not have some difficulties or trouble? In our early history we had a whisky revolution in Pennsylvania; later we had the Dorr revolution in Rhode Island, and only a few years ago you had an army standing guard over the property of a railroad company for months in the city of Pittsburgh. You had it in Chicago. You have now armed forces standing guard over property in the State of Idaho. It is not more than a month ago that the militia were called upon to enforce the law in the State of New York. Does this argue that we are unfit for self-government? No, Mr. President, and it will not argue that if they have some trouble in Cuba or in Porto Rico or in the islands of the Pacific when they are left to maintain a government there. No nation in the world ever escaped these difficulties, and none ever will.

Mr. President, if the Republican party want to make this question an issue in the coming campaign, so far as I am concerned I mean to accept it. I shall not support the Republican party. I shall not support it on its financial policy; but if it was right on its financial policy, I would not support it on the policy that is foreshadowed in this bill; and I would not give up the islands either.

I would do that which we can do. I would make them a source of great profit and advantage to us, when we shall mete out to those people the justice that we should when we shall recognize this great fundamental principle, that all men are entitled to self-government, and that the just powers of government are derived from the consent of the governed. Then we shall find it profitable to hold those islands. They stand in the great pathway of the commerce of the world, and they can be made of infinite value to us. It is a duty that we owe to ourselves to make them so; but it can only be done when we shall be willing to be righteous in our treatment of those people. We can not be righteous when we deny to them the right of participation in their government, and say to the learned and the unlearned alike, to the patriotic and the unpatriotic alike, "We cut you off; we administer this government, and you must submit."

Mr. President, I say you can not administer a government of that kind in those islands without great tribulations, great trouble, and great loss. Whenever American arms go out, and whenever American soldiers come in contact with any other power, I can not refrain from having my sympathy go with my flag and my countrymen; but I can not glory over the reports that in one battle we lost five men and killed a thousand of those men, believing, as they believe, that they are fighting for liberty and independence.

I do not feel toward these people as I would toward a foreign foe who was fighting because of some dispute that had arisen between the two nations. I believe every American in this country wishes to see the war closed. Why? First, I believe it is because his humanity revolts at the idea that we shall strike down those people who have come under our jurisdiction in a way that puts great responsibility upon us; secondly, that he knows we can not do it without great expense and great loss of life and treasure.

So I repeat, if the party in power wants to make it an issue in the coming campaign, it will be met, and it will be an issue in the campaign, with a great many other issues, in spite of all they can do. Unless within the next three days, at least, the Administration repudiates the policy foreshadowed in the bill now before the Senate, unless the Administration shall declare to the world that the condition in Porto Rico is a temporary one, to be relieved as soon as possible, it will need to give some excuse why a mill on people, peaceable and orderly, should be denied even for a few months the right of self-government.

Mr. President, we are about to close this session of Congress,

and we are to go into the field and make a campaign such as is made every four years. Other questions will arise. The financial question will not be lost sight of; it will be to the forefront; imperialism will be to the forefront, and the question of trusts will be here. Of course I know that imperialism will be denied in the platform of the Republican party; but the people will not be satisfied with that denial. Trusts will be denounced in the platform; but that will not satisfy the people.

The declaration of the Republican party upon trusts has been quite as unsatisfactory as upon the other questions of which I have been speaking. We have been told that we needed a constitutional amendment, and when a constitutional amendment was proposed by the only authority which represented Republican ideas we found that it was a constitutional amendment to put Congress in control of the different States, and practically deprive these States of the power of controlling these great combinations. Nobody expected that that could ever become a part of the Constitution. Under no circumstances could it so become for ten years; and in the last expiring hours of Congress they have sent us here a bill modifying the act of 1890, called the Sherman Act, for the enforcement of certain penalties against trusts. They will not fool the American people, Mr. President.

Why did they not send it in during the early part of the session of Congress? Why did they not send it here five months ago? When they send it here it is a declaration on the part of one branch of the Government, at least, that there is a necessity for an amendment to the existing law, which is weak and futile only because the Attorney-General declines to put the powers therein contained in operation.

Mr. President, all these questions will be in the coming political campaign, and on all of these questions the policy of the Republican party is contrary to what my policy would be.

Now, Mr. President, if, when I conclude, anyone says I have made a political speech, I shall simply retort that no speech has been made by any Republican on this side of the Chamber, not even by the senior Senator from Massachusetts [Mr. HOAR], that was not extremely partisan in its character.

CLASSIFICATION OF CLERKS IN POST-OFFICES.

Mr. WOLCOTT. Mr. President, the Senator from Delaware [Mr. KENNEY] is now in the Chamber, and I desire to call up the motion to recommit to the Committee on Post-Offices and Post-Roads the bill (S. 4163) for the classification of clerks in the first and second class post-offices.

Mr. KENNEY. I have no objection.

Mr. WOLCOTT. Mr. President, I have just a word to say about this matter—nothing as to the report, nothing as to the facts about the bill, except that I desire to convey, so far as I can from my place in the Senate, a warning and a suggestion to clerks in the first and second class post-offices of the United States.

It has been stated in a New York paper, the New York Times, which has carefully investigated the subject, that a large sum has been raised from the clerks in the first and second class post-offices of the country, by a voluntary assessment upon their members of about \$10 each, to seek to procure legislation at this session of Congress, and that, as a result of this attempt, a sum aggregating many thousands of dollars has been contributed by underpaid clerks in the first and second class post-offices of this country to secure such legislation.

Mr. President, there is nothing so useless on earth as the contribution by these clerks of this sum or any other sum. It brings them nothing in this particular instance. They have employed, as I hope, some good men, but I know of some notoriously bad men they have employed, who have infested the committee rooms and the corridors of the Capitol, seeking favorable action upon this bill. They go to these clerks at a distance and they say, "We have accomplished so much, and now you must assess yourselves some more, and we will go further with your bill." These clerks ought to understand that these contributions bring them nothing.

I am not here to discuss the propriety of Government clerks organizing themselves into unions to seek to secure legislation. That is a matter that is open to a good deal of criticism; but I do not care to dwell upon that. My sympathies are with them in any honest attempt to secure fair payment; but, Mr. President, they ought to be advised that contributions of money bring them nothing. There has never been a time here when a committee of the clerks themselves has not always had a respectful and considerate hearing at the hands of any committee of this body; and they would have it now; but these lobbyists, who present their bills and who draw money from them in large amounts, do not help them in their legislation.

I have not a doubt that these men really believe that this bill is marching on to its final disposition, and although we have but two or three days more left of the session, they are led to believe that, if they put up more money, they will get their bill through Congress. They will not, Mr. President. This bill will

be carefully considered before it is passed, and if the committee does not so consider it, the Senate will so consider it. For example, in this particular bill, under its terms and provisions, every clerk who enters a first or second class post-office in the country would be promoted annually \$100 until he receives pay aggregating \$1,400 per annum. It would cost the Government the first year something like \$1,000,000.

This bill has never been recommended by anybody; classification has been recommended, but not this bill. I do not say this as applicable to this bill, but only as showing to the first and second class post-office clerks in the country that their legislation will be fairly considered. Under the provisions of this bill, for instance, in the substations around Washington, where clerks in drug stores, who put up prescriptions when they are not busy, and who get some modest salary, act as post-office clerks, as they are compelled to do under the laws of the Post-Office Department, these drug clerks will each get a salary of \$1,400 a year under this bill if Congress shall pass it. They may get but \$400 now, but they will get \$100 a year additional, until, finally, the man who is a prescription clerk in a drug store which is a substation will be drawing \$1,400. The messenger, who does the errands of the postmaster, will get \$1,400 a year before he is through. The janitors, who sweep out the post-office, and who start in at \$400 or \$500 a year, march steadily along, at an expenditure to the Government of several million dollars a year, until they each get \$1,400 a year from the Treasury of the United States.

I should like to say, so far as my statement may reach the post-office clerks, that there is in both Houses of Congress, as there always is in the breasts of the members of both political parties, an earnest and a real desire to so classify the public service and so pay the public servants that they shall receive adequate and fair and increasing compensation for their services, based upon their ability and upon their experience. The question is, How to so classify them as to deal fairly with them all?

I desire to say further that by employing these lobbyists and assessing themselves these enormous sums the clerks gain nothing. The inference is that the money is used for some unjust and unlawful and dishonorable purpose. No such sum as \$60,000, or anything approaching it, can be legitimately used by the agents of the organization of post-office clerks as a matter of fact. Of course there is no member of either House of Congress who is open to any unjust or dishonorable suggestions; but it besmirches and beclouds the reputation of legislators when public servants organize themselves into a union and assess themselves great sums, which they can ill afford to spare, and employ lobbyists to try to press their measures to a report and to favorable consideration.

Mr. BUTLER. I will say to the Senator I have been informed, from a source that I think is pretty authentic, that if all the assessments on these clerks which have been made were paid they would amount to at least \$600,000.

Mr. WOLCOTT. I have not a doubt of it. Nobody who is not connected with these committees can realize the movement that there is about here on behalf of these organizations. Every man who is supposed to have a pull gets himself employed by these poor clerks and comes and hangs around here and is supposed to be pressing legislation. There is not a Senator on this floor who would be influenced by any of these men. When the clerks themselves make their representations, first, to the Department, and then, through the Department, to the appropriate committees, they always receive fair and just and generous consideration. It is for that reason, Mr. President, that I make this comment upon moving to recommit the bill to the Committee on Post-Offices and Post-Roads, to which motion I understand there is no objection.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Colorado moves to recommit the bill to the Committee on Post-Offices and Post-Roads. The question is on that motion.

The motion was agreed to.

PRIVILEGES OF SECOND-CLASS MAIL.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. CHANDLER] desires to be excused from further service on the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10308) to give certain publications the privileges of second-class mail matter as to admission to the mails. In the absence of objection, the Senator from New Hampshire will be excused, and the Chair will take the liberty of appointing the Senator from Colorado [Mr. WOLCOTT] in his place.

UNITED STATES COURTS IN NORTH CAROLINA.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom were referred the bill (H. R. 5298) establishing terms of the United States circuit court at Newbern and Elizabeth City, N. C., and the bill (H. R. 8815) to amend chapter 4, Title XIII, of the Revised Statutes of the United States, to report them

favorably without amendment. Both of these bills are approved by the Senators from North Carolina, and they are House bills. I ask that they may now be put upon their passage. They are short.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts, that the two bills just reported by him may be considered? The Chair hears none, and the bill first reported will be now considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5296) establishing terms of the United States circuit court at Newbern and Elizabeth City, N. C. It provides that terms of the circuit court of the United States for the eastern judicial district of North Carolina shall be held at Newbern and Elizabeth City, in that district, at the times now fixed by law for holding the terms of the district court of the United States at Newbern and Elizabeth City.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The second bill reported by the Senator from Massachusetts [Mr. HOAR] will now be considered.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8815) to amend chapter 4, Title XIII, of the Revised Statutes of the United States. It proposes to amend chapter 4, Title XIII, of the Revised Statutes of the United States, second edition, 1878, by inserting the words "and at Winston, N. C., on the second Monday in July and January," so that the paragraph in section 572, relating to the regular terms of the district courts for the western district of the State of North Carolina, shall read as follows: "In the western district of North Carolina, at Greensboro, on the first Monday of April and October; at Statesville, on the third Monday of April and October; at Asheville, on the first Monday of May and November, and at Winston, N. C., on the second Monday in July and January," etc.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TIMBER AND STONE IN INDIAN TERRITORY.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 10665) to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments, on page 1, line 5, after the word "purposes," to insert "including the construction, maintenance, and repair of railroads and other highways;" in line 10, after the words "fix the," to strike out "rates of royalty" and insert "full value thereof;" and on page 2, line 3, after the word "tribes," to insert "or sells or transports any of such timber or stone outside of the Indian Territory;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior, is authorized to prescribe rules and regulations for the procurement of timber and stone for such domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways, to be used only in the Indian Territory, as in his judgment he shall deem necessary and proper, from lands belonging to either of the Five Civilized Tribes of Indians, and to fix the full value thereof to be paid therefor, and collect the same for the benefit of said tribes; and every person who unlawfully cuts, or aids, or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon the land of either of said tribes, or sells or transports any of such timber or stone outside of the Indian Territory, contrary to the regulations prescribed by the Secretary, shall pay a fine of not more than \$500, or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BANCO ESPAÑOL DE PUERTO RICO.

Mr. FORAKER. I ask unanimous consent for the present consideration of House joint resolution 247.

Mr. PLATT of Connecticut. I wish to make a report.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut to make a report?

Mr. FORAKER. Yes.

Mr. PLATT of Connecticut. I ask the Senator's indulgence. His joint resolution may be taken up, and then I will state why I desire to make the report at this time.

Mr. FORAKER. Very well.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 247) to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.

Mr. PLATT of Connecticut. If the Senator will kindly allow

me, I wish to make a report, as I have to leave the Senate to attend to a conference committee. It will take but a moment.

Mr. FORAKER. Certainly I yield to the Senator.

COURT IN INDIAN TERRITORY.

Mr. PLATT of Connecticut. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. 2936) changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes, to report it favorably and without amendment. I ask that the bill may be now considered. It is simply changing the place of holding court, and will not lead to debate. It will take but a moment to read the bill.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT of Connecticut. I ask that the Senate bill on the same subject, being the bill (S. 1961) changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes, be indefinitely postponed.

The PRESIDING OFFICER. That order will be made, in the absence of objection.

BANCO ESPAÑOL DE PUERTO RICO.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 247) to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.

Mr. FORAKER. The joint resolution has been heretofore read.

The PRESIDING OFFICER. The joint resolution has been heretofore read, and is now in Committee of the Whole and open to amendment.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

Mr. STEWART. I now ask that we may have a vote on the bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz. It has been up four or five times. I merely want a vote upon it. I shall say nothing in regard to it.

Mr. CULLOM. Will the Senator yield to me to make a motion for the reconsideration of a bill?

Mr. STEWART. Yes.

Mr. CULLOM. I desire to enter a motion to reconsider the vote by which a bill was passed a short time ago.

Mr. PETTIGREW. Mr. President—

The PRESIDING OFFICER. The Senator from Nevada [Mr. STEWART] is recognized. Until his request is disposed of, no other business is in order.

Mr. CULLOM. The Senator from Nevada yielded to me to enter a motion for reconsideration.

Mr. STEWART. If it takes me off my feet, I do not yield.

Mr. PETTIGREW. It will take you off your feet.

Mr. STEWART. Then I do not yield. I ask to have a vote on the bill. The bill has been read several times.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent for the present consideration of the bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. WOLCOTT. Is there a report accompanying the bill?

Mr. STEWART. Yes, there is.

Mr. WOLCOTT. I should like to have the report read.

The PRESIDING OFFICER. The Senator from Colorado asks for the reading of the report, which will be read.

The Secretary read the report submitted by Mr. STEWART January 15, 1900, as follows:

The Committee on Claims, to whom was referred the bill (S. 186) for the relief of John L. Smithmeyer and Paul J. Pelz, having considered the same, beg leave to report as follows:

A bill similar to this one was favorably reported to the Senate in the second session Fifty-fifth Congress. The report made by this committee in the last Congress is adopted as a part of this report, and your committee recommend the passage of the bill.

[Senate Report No. 1072, Fifty-fifth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 3901) entitled "A bill for the relief of John L. Smithmeyer and Paul J. Pelz" have examined the facts upon which the memorial accompanying the bill is based, all of which facts are contained in the findings of fact of the Court of Claims in the case No. 16432, John L. Smithmeyer and Paul J. Pelz vs. The United States. First. The claimants, John L. Smithmeyer and Paul J. Pelz, were in 1873 and afterwards copartners, doing business as architects in the city of Washington.

Second. Under the directions and at the request of the commissions and committees of Congress mentioned in the following acts of Congress, namely, the commission created by the sundry civil appropriation act, March 3, 1873,

(17 Stat. L., 510-513); the Joint Committee on the Library of Congress, sundry civil act, June 23, 1874 (18 Stat. L., 204, 226), and the legislative appropriation act, August 15, 1876 (19 Stat. L., 143, 168); the Commission on the Enlarged Accommodation for the Library of Congress (act April 3, 1878, 20 Stat., 35); the Joint Select Committee on Additional Accommodation for the Library of Congress, organized under the act of June 8, 1880 (21 Stat. L., 165); deficiency act, March 3, 1881 (21 Stat. L., 414, 424), and the act of April 15, 1886 (24 Stat. L., 12), the claimants devoted their time as architects from 1873 until 1886 in the making of plans and drawings for a building for the Library of Congress.

During said thirteen years claimants prepared ten different plans, the first one being in competition with 27 other competitors. They were awarded the first prize in this competition. The other plans were of various styles of architecture, for which they were called upon from time to time by the commissions and committees of Congress. The plan finally adopted by act of Congress of April 15, 1886, and readopted in 1889, was for the present building in the Italian renaissance style of architecture. The claimants make no demand for compensation for any of their work except this one plan.

Third. The claimants, in 1874, gave up their private business as architects and, until 1886, devoted themselves almost exclusively to their work on these plans for the Library building. In 1882 Mr. Smithmeyer traveled extensively over this country and in Europe, visiting library buildings in New York, Boston, Philadelphia, Baltimore, Chicago, Liverpool, London, Paris, Berlin, Vienna, Dresden, Leipzig, and Hanover, at the request of the Joint Select Committee of Congress, for the purpose of obtaining information in respect to the requirements of the great library buildings of the world. The act of 1886, adopting the plans of the claimants, created a commission to carry into execution the construction of the building. Work was commenced on the same in 1886.

Fourth. From the 15th of April, 1886, when the claimant's plans were adopted, until October 16 of that year, a period of six months, the claimants were not employed as architects of the building, but, on the contrary, a portion of the work of construction proceeded under the superintendence of the commission without any superintendence by the claimants or either of them. This clearly establishes the fact that the making of the plans and drawings and their adoption by the Government completed the service for which they had been employed by the Government. Whatever subsequent employment they might have in the superintendence of the construction of the building, if any, was then unknown to both parties. The service being completed and the plans and drawings delivered to the commission created by Congress, it only remained for the Government to pay suitable compensation for the work.

Fifth. Upon the question of compensation, the Court of Claims, in its ninth finding, says:

"IX.

"The usual and customary schedule of charges and the professional practice of architects, as prescribed by the American Institute of Architects (chartered under the laws of the State of New York, and of which both claimants are members), the Western Association of Architects, and other architectural societies, including the District of Columbia, and by the profession generally, fixes the rates of compensation and rules governing the same as follows:

For full professional services (including supervision), 5 per cent upon the cost of the work.

"The charge for partial service is as follows:

	Per cent.
Preliminary studies	1
Preliminary studies, general drawings, and specifications	2½
Preliminary studies, general drawings, specifications, and details	3½

"For works that cost less than \$10,000, or for monumental and decorative work and designs for furniture, a special rate in excess of the above. An additional charge to be made for alterations or additions in contracts or plans, which will be valued in proportion to the additional time and services employed.

"Necessary traveling expenses to be paid by the client.

"The architect's payments are successively due as his work is completed in the order of the above classifications.

"Until an actual estimate is received the charges are based upon the proposed cost of the works, and the payments are received as installments of the entire fee, which is based upon the actual cost.

"These are the rates and rules established by the custom and usage of the profession, and are never deviated from by architects in good standing except under exceptional circumstances, and then only by a special and express contract.

"The plans under which the building for the Library of Congress is being constructed are designed and intended for a monumental building within the meaning of the paragraph of the foregoing schedule, which prescribes additional rates for such plans.

"In a number of cases the executive branch of the Government has employed architects at the rates prescribed by the foregoing schedule of the American Institute."

Sixth. The tenth finding of the court applies this schedule to the services rendered by claimants, and states the amount which should be deducted for the reason stated:

"X.

"The plans prepared and submitted by the claimants, and accepted and so used by the Government in the construction of the building, consisted of 'preliminary sketches and general drawings,' within the meaning of the classification in the schedule of the American Institute of Architects, and were so complete and perfect that any competent architect could take them and construct the contemplated building from them without the assistance or advice of the claimants.

"For such preliminary studies and general drawings the rate of remuneration prescribed in the schedule set forth in the preceding finding is, with specifications added, 2½ per cent upon the cost or proposed cost of the work; but inasmuch as the kind of material and style of finish for the Library building had never been fixed upon by Congress, nor by any officer or agent of the Government, no specifications were ever prepared by the claimants.

"They consequently were unable to furnish the specifications and were relieved from the duty and labor of preparing them. The court finds \$3,300 to be the reasonable value of the service of preparing specifications for this building from which the claimants were so relieved—that is to say, if the claimants are entitled to recover a commission of 2½ per cent on the cost or proposed cost of the building, the sum of \$3,300 represents the amount which may be deducted for specifications, which they were ready and willing to furnish, but which they did not in fact furnish to the defendants."

Seventh. As to the amount upon which 2½ per cent would be payable under the rules of the Institute of Architects, the estimated cost would govern until the actual cost was ascertained.

The foregoing facts taken from the findings of the Court of Claims, after a full hearing of the testimony for the Government and for the claimants, would, if the established custom of the Architects' Institute were to govern, establish the right of the claimants to the full compensation of 2½ per cent of

the actual cost of the building, less \$3,300, which the court found to be the reasonable value of the services of preparing specifications for the buildings, from which the claimants were relieved for the reasons stated.

The actual cost of the building is now ascertained to be a little more than \$3,500,000. Two and a half per cent of this sum would be the fee for the plan under the rules of architects, and would amount to \$162,500. Deducting from this \$3,300 for the specification, not furnished (for reasons stated), and there would remain \$159,200 as the measure of this claim under the rules governing the profession. Of this amount, \$48,000 has been paid to the claimants under a judgment of the Court of Claims. It is for the remainder (\$111,200) that they now memorialize Congress.

On this subject, of the amount of the compensation claimed, the claimants have submitted to the committee the following communication:

WASHINGTON, D. C., March 25, 1898.

DEAR SIR: In the matter of the claim of Smithmeyer & Pelz for services as architects for the Library of Congress, I beg leave to submit the following statement as to the amount that would come to the claimants in the event that the bill for our relief should become a law, and the Court of Claims render a judgment for the maximum amount provided for in the bill, namely, the amount to which we would be entitled under the rates laid down in the rules of the American Institute of Architects:

Cost of building	\$3,500,000
(This is somewhat less than the actual cost.)	
2½ per cent of this amount for plans and drawings	162,500
Less amount of specifications, not furnished	3,300
	159,200

In our case in the Court of Claims that court says, in its eleventh finding, that it was "shown that the cost of draftsmen, clerks, and office rent is usually about 50 per cent of the gross receipts of an architect's business, and that the cost of plans and specifications in the office of the Supervising Architect of the Treasury is about 2½ per cent on the cost of the building."

A calculation upon this basis would show that in the progress of their work upon the plans their expenses connected with it were \$79,750. We have not the data to supply a detailed statement of those expenses. It should be remembered that this work extended over a period of thirteen years. Assuming, then, the correctness of the estimate by experts of the usual expenses attending such work, there would remain for our professional services \$79,750, which, for the thirteen years, would be \$6,185, or a little more than \$3,000 a year for each claimant.

We are, very respectfully, your obedient servants,

SMITHMEYER & PELZ.

HON. HENRY M. TELLER,

Chairman Committee on Claims, United States Senate.

This is not only the usual compensation of architects of good standing in their profession, but it is the rate of compensation which the Government has paid and is still paying for such services. In the case of *Tilley vs. The County of Cook* (103 U. S. Reports, page 155) the Supreme Court stated that if the architect's plan had been used, evidence to show the usage would have been admissible, and intimated that it would have been binding upon the county. In *The District vs. Cluss* (Ibid., 705) the court, Justice Field delivering the opinion, said:

"In 1870 the board of trustees of colored schools for the District of Columbia employed the plaintiff, who is an architect by profession, to prepare the plans and specifications for a schoolhouse in Washington and to superintend its construction, agreeing to give him for his services 5 per cent on the cost of the building. This was the ordinary rate of charge of compensation for similar services in the District."

Referring to these decisions, and also giving his own opinion, Judge Nott, of the Court of Claims, in delivering the opinion of the court, used the following language:

"Speaking for myself alone, I am of the opinion that compensation should be measured by the general rule and usage which govern the compensation of the profession. I think that in legal effect the claimants proffered their plans to Congress, through the intervention of the joint select committee, for inspection, coupled, nevertheless, with the implied condition that if they were used their services should be paid for as like services are paid for by other persons; that when Congress adopted the design by the act of 1886 the case reached the condition of *Tilley vs. County of Cook* (supra), and that when the defendants proceeded to give effect to the statute by actually using the plans in the erection of a building after their design the case entered the third stage, in which, as the Supreme Court intimates, the legal liability of the employer at last becomes fixed and the obligations to pay for the service becomes legally binding.

"I think, too, that the decisions of the Supreme Court holding that the usage of architects extends to and is binding upon a body politic erecting a public building (*Tilley vs. County of Cook*, supra), and that it has a recognized and established existence in the District of Columbia (*District of Columbia vs. Cluss*, 103 U. S. R., 705), are authority for holding the usage obligatory upon the Government for a building erected in the city of Washington. The sum which would be recovered is large (\$126,355), but the services embodied in these plans extended through the best part of these men's professional lives, and the risk which they ran was immense. From October, 1874, when they began to give their time to the Congressional committees and commissions, until October, 1886, when the work of construction actually began, no liability had fallen upon the defendants and no remuneration had been given to the claimants, who had fought through these twelve years against the professional competition of the whole world."

The amount named by Judge Nott was based on the estimated cost, and not on the actual cost, which was not then known.

Judge Nott wrote no dissenting opinion, but the foregoing extract was a dissent from the decision of the court.

Speaking for the majority of the court, he said:

"But the majority of the judges are of the opinion that the acts of the parties indicate that the services should be estimated according to the rule of quantum meruit, and not according to the schedule of charges of the Institute of Architects. According to that schedule the claimants would be entitled to 2½ per cent up to the point where the suit brings their service, and to another 2½ per cent if that service should continue until the completion of the building. Instead of the latter the defendants elected to give, and the claimants consented to take, two annual salaries, amounting to \$8,000 a year, as an equivalent for the percentage they would be entitled to according to the schedule. The claimants having thus 'departed from the general rule of architects of measuring their compensation by the customary fees of their profession,' as is insisted by the counsel for the Government, and having done this with no express agreement or reservation as to the preceding part of their service, the court is of opinion that that part should be estimated according to the same rule which the parties themselves have adopted."

It is admitted that the claimants were the successful competitors out of twenty-eight; that their plans were adopted by an act of Congress; that these plans were adhered to in the construction of the building, excepting as to the omissions for economic reasons of certain portions of the interior only; that

the established rate of compensation for such services is 2½ per cent on the cost of the building, and that all architects are entitled to 2½ per cent for plans and drawings and 2½ per cent for the superintendence of the building, when so employed. These things are all agreed upon by all the members of the Court of Claims. The only reason assigned in the opinion of the court for making a reduction in the rate of compensation for the plans and drawings in this case is that the architects accepted employment six months later for the superintendence of the construction of the building at aggregate salaries of \$8,000 per annum, and that by this act they waived their right to the customary and established charges of the institute for the former completed work of making the plans.

But when the architects were employed to superintend the work, it was six months after they had completed the plans, delivered them to the Government, and wholly ceased their connection with the Library building.

The court says that according to the architects' schedule the claimants would be entitled to 2½ per cent up to the point where the suit brings their service, and to another 2½ per cent if that service should continue until the completion of the building. But that service did not continue. It wholly ceased after the six months referred to. The superintendence of the Library building was as distinct and separate from the plans and drawings as would have been the superintendence of another building in another locality.

This fact is clearly established by these words, contained in the additional findings of fact of the Court of Claims:

"From the passage of the act of April 15, 1886, until October 1, 1886, neither of the claimants were in any way in the employ of the defendants."

It nowhere appears in any of the rules of the Institute of Architects, nor in any of the testimony in the case, that the making of the plans and the superintending of the building are necessarily a single connected work. The Government at that time and long afterwards usually made its own plans for public buildings, and employed private architects to superintend their construction. In cases where it employed private architects to make plans it paid for the plans according to the rules of the institute, while for the construction it was the practice of the Government to pay a per diem and not a percentage. The testimony is clear on the point that under the rules of the Architects' Institute, special contracts are admissible, either for plans and drawings or for the superintendence of construction, and that fees will govern in each case where there is no special contract to the contrary.

It is not contended in this case that there ever was any agreement that the compensation for the plans should be less than the usual 2½ per cent. Nor was any effort ever made to obtain any such special contract.

Congress decided in October, 1888, to abolish the Library Commission and to place the superintendence of the building in charge of the Chief Engineer of the Army. Mr. Smithmeyer's services were dispensed with at once, and those of Mr. Pelz later on. No claim has been made for anything connected with the superintendence of construction.

Under the decision of the courts the acceptance by the claimants of a salary for superintendence of the building constituted in law an implied waiver of their right to the usual and established percentage rate of the American Institute of Architects for plans and drawings. It is obvious that the claimants were totally unaware that they had, by any act or omission of theirs, made such a waiver. They unwittingly made themselves the victims of a legal technicality. No such waiver had ever been hinted at or requested by or on behalf of their employer, the Government. To have volunteered it would have seemed an insane act. The courts could only deal with the claim in its strictly legal aspect, whatever the hardship this would work to the claimants.

The Library building is admired by all who look upon it. It is admitted that the claimants abandoned all other business and devoted thirteen years of professional skill to its creation. Without their knowledge or intention, and without any motive for doing so, they entangled themselves in a mere technicality of law, which operated to deprive them of the greater portion of the compensation to which the courts say they would otherwise have been entitled. We do not believe any honorable man would consent to enjoy the benefit of such an accident, and we therefore believe that the Government should be unwilling to retain in its Treasury the money which only an accident entitles it to, and which in good faith and in fairness and equity belongs to the claimants.

Your committee therefore recommend the passage of the bill, with an amendment.

Mr. WOLCOTT. I understand that these people have been paid \$48,000 through a judgment of the Court of Claims. I should like to ask whether that was not supposed to be a payment in full.

Mr. STEWART. That is what it was based on. It did not give them for their plans and specifications what, according to the rule of architects, was due them; but it was avoided by applying a rule that ought not to be applied. Some six months after their plans and specifications had been accepted, and after the building had been commenced, they were employed for a short time on the building at so much a year or so much a month, and the court seized that to govern the compensation for the whole. The rule is that if compensation is agreed upon, the rule of the architects does not apply. None was agreed upon until the whole subject was consummated and the plans accepted, and the claimants had no idea that their subsequent employment would govern the terms of payment for the making of the plans and specifications. It was entirely disconnected. It is a rule which the committee thought ought not to be applied, and everyone who has investigated it comes to the conclusion that it is inequitable to take a segregated employment and apply it as a continuous employment.

Mr. WOLCOTT. Is the \$48,000 deducted?

Mr. STEWART. The \$48,000 is deducted. What they had under the rule of segregated employment—

Mr. WOLCOTT. But were the plans ever adopted?

Mr. STEWART. The plans were adopted and the building is built on those plans and specifications.

Mr. WOLCOTT. How much does the bill call for?

Mr. STEWART. The difference will be between seventy-five and a hundred thousand dollars—somewhere along there.

Mr. HALE. Mr. President, it is a disagreeable thing to interfere with this matter, and I do not mean to do so by making any point of order. The old gentleman, Smithmeyer, is a most pleasant and agreeable man, full of pleasant talk, of high social character, an entertainer, and he has made many friends about Wash-

ington, in the House and in the Senate, and he has always had the advantage of this pleasing character and these pleasing manners in having been extremely well used heretofore.

Some of us know pretty well about this matter, that for years after it had been settled that there should be a Congressional Library it ran along under charge of the special committee that had control of it, which employed Mr. Smithmeyer. He began to strike out schemes and shadows of plans and hints of plans and devices, all of which meant the building of some kind of a building. It ran along and nothing was done. We bought the ground; we did not get any building or any foundation for a building, or any indication that a building was to be built, except the papers that were covered with Mr. Smithmeyer's interesting sketches. At last the matter was taken hold of by a subcommittee of the Committee on Appropriations, to whom application was made for an appropriation. We examined into it. The Senator from Iowa will remember all this.

We found that we were not likely ever to get a building. The thing we wanted was a public library, and not to keep Mr. Smithmeyer at work. We could not find any evidence that anything had been done theretofore except to keep him at work on these sketches. We took it in hand, and took the control entirely away from Mr. Smithmeyer and everybody else, and put in that with most excellent, competent, really famous engineer officer, General Casey, and turned it all over to him. He went to work. He got his superintendents and architects. From that time Mr. Smithmeyer had nothing whatever to do with it. In fact, General Casey was not—

Mr. WOLCOTT. Were Mr. Smithmeyer's plans used?

Mr. HALE. Not in an elaborated way. His sketches and designs of the general building were; but the building itself in a thousand details was not completed on Mr. Smithmeyer's plans. From year to year we appropriated. It is only the exterior that he struck out. We went on. General Casey managed the whole thing. He got his architects for all that arrangement in the inside, and the building was completed. It is the only case I know of where any man was ever able to turn over some money. The original appropriation was not expended.

Mr. VEST. Mr. President—

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Missouri?

Mr. HALE. Certainly.

Mr. VEST. Do I understand the Senator from Maine to say that this building was not constructed upon the plans which Smithmeyer and his partner offered and were accepted?

Mr. HALE. No; I have not said that. General Casey said—

Mr. VEST. Will the Senator permit me to make a statement? I do not want to speak on the question.

Mr. HALE. Yes.

Mr. VEST. As a member of the Committee on Public Buildings and Grounds, at the instance of our friend the late Senator from Vermont, Mr. Morrill, who took great interest in the matter, I examined into this question very carefully at the time when the trouble began between the Government and Smithmeyer as to certain contracts for cement to be used in the foundations of the Library building. Senator Morrill was impressed with the idea that the interests of the Government were being neglected. Without going into details, the result of it was that the superintendence of the building was taken out of the hands of Smithmeyer and put into the hands of General Casey, who turned back into the Treasury \$260,000 of the appropriation, the only instance, as the Senator from Maine says, that I ever knew of of that sort.

But the salient point is that General Casey recognized that the building was built upon the plans of Smithmeyer, and, if I am not mistaken, that fact is now found in the Library, engraved for all time.

Mr. HALE. That refers to the general design of the building, undoubtedly.

Mr. VEST. That is what I am saying.

Mr. HALE. But that is a small part of the architectural charge of an architect who builds either a house or a public building.

Mr. VEST. I understand. But I was only speaking to the point as to whether they were Smithmeyer's plans or not. That was denied by some architect, but General Casey I know personally never made any contention that Smithmeyer's general plan, which has resulted in the most beautiful building in the world, was not adopted.

Mr. HALE. Does the Senator think that after General Casey took charge Mr. Smithmeyer ever had anything to do with the work—

Mr. VEST. I do not say that.

Mr. HALE. Or even approached the building?

Mr. VEST. On the contrary, he did not. The difficulty arose about a contract in regard to cement, and I examined it very carefully, as a member of the Committee on Public Buildings and Grounds, and while I was not clear about the matter, Senator Morrill was very clear that Smithmeyer was in the wrong. At

any rate, it resulted, notwithstanding the opposition of another one of our Senators who is dead, Mr. Voorhees, in Smithmeyer severing entirely his connection with the building and its all being turned over by Congress to General Casey. The only thing I rose to speak about is that I understood the Senator to say that the building was not built on Smithmeyer's plans. It would be very unjust to make that statement. I have no interest in the matter whatever. Mr. Smithmeyer criticised my action in regard to this cement contract very unjustly, for I never intended to injure him. I am not here as his advocate, but I do say that to make the intimation that that building was not constructed on the plans that originally came from Smithmeyer and his partner would be a terrible injustice to those men. That is all.

Mr. HALE. The Senator and I do not disagree much as to the facts. The plain truth is that it was taken possession of here in the Senate; Smithmeyer stepped out, the Special Committee on the Library stepped out, and he never had anything more to do with it. There is a document which states the whole story as to just how far the Smithmeyer plans were used in the construction of the building. When I use that term I mean the inside features as well as the outside, which make the main part of an architect's charges. It is all found in the document, if anybody will hunt it up and read it.

Now, what happened? When we got through the matter the building was presented to the Government by General Casey, and he turned over this quite large sum of money. We began to be beset by Mr. Smithmeyer for pay, as though he had been the architect who had been conducting the whole work. Finally he got through a claim for \$48,000. I think that is the amount. I asked the clerk of the Committee on Appropriations the other day to make me up a minute showing the entire sum that Smithmeyer had received in this matter. I think it was Smithmeyer and some other person with him.

Mr. ALLISON. Mr. Pelz.

Mr. HALE. That is it; Smithmeyer and Pelz. It is something between seventy and eighty thousand dollars that they received in all. I think it is enough. If this bill goes through—

Mr. CULLOM. How much more does this bill give him?

Mr. HALE. A hundred and nineteen thousand dollars.

Mr. CULLOM. In addition?

Mr. HALE. Yes; in addition.

Mr. CARTER. If the Senator will allow me—

Mr. HALE. I want to say to the Senate—

Mr. CARTER. Will the Senator allow me to make a suggestion at this point? I understand the fact to be that in addition to being employed in connection with the Library and having prepared the plans and specifications for that building, Mr. Smithmeyer for a considerable time was employed in preparing plans and specifications for the enlargement of this Capitol. He now has the drawings and specifications, prepared by himself and his partner, for the erection of a central building—

Mr. HALE. Who employed him?

Mr. CARTER. With some addition to the Senate wing and likewise some addition to the House wing, for the purpose of providing adequate committee rooms and accommodations for Congress and the various offices incident to its operation. I think those plans have been exhibited, and that Mr. Smithmeyer was paid in that connection from time to time some portion of the amount the Senator refers to.

Mr. HALE. The Senator comes in most opportunely, for I was going to say to the Senate that the Smithmeyer plan of collection is by partial payments. What he received at first is a partial payment. When he received the \$48,000 it was a partial payment. The Senate should understand that if Smithmeyer and his friends get this through, it will be only a partial payment. He will come in again for something more.

Mr. WOLCOTT. I ask the Senator from Maine if Mr. Smithmeyer has a claim also against the Government for the plans for the Capitol?

Mr. HALE. The Senator from Montana came in most opportunely in connection with what I was going to say. This will not end if Mr. Smithmeyer continues that useful and enjoyable course of life which characterizes him, which is enjoyable and meritorious, until the grave closes over him; until that time you will have claims coming in here for partial payments to Mr. Smithmeyer. If this bill goes through, it will not be the end.

What the Senator has referred to about the Capitol I never heard before. I did not know Congress had employed him. It is an instance of his taking rather unusual care to lay the foundation for another partial payment that he has got somebody to employ him on the Capitol for the committee rooms which are to be provided. I do not know how it was done; some resolution may have gone through some time or other, because it certainly is necessary, and will be in the course of our existence and during the occupation of this building. As long as Mr. Smithmeyer lives we must pay him from time to time large sums of money, and at his friends I do not wonder. The Senator from Colorado

is a just man. No man in the Senate is more so. He is interested in a friendly way for Mr. Smithmeyer. I do not suppose that he can see this thing as I can, and his insight may be better than mine.

I should not have interposed at all if I had not known all about this matter as it came along from year to year, when we were making appropriations for the Library building. I do not enter into any question as to his superiority. We all thought it was a very lucky thing that the Library building was rescued from him, but we may have been mistaken. He may have that order of mind. The architect's mind, I have had occasion to say heretofore, is a very remarkable mind. The mind of the architect is grand, and gloomy, and peculiar. I myself never could get into all the mysteries of the mind of the architect, who has swelling in him the image of some great structure that shall not be especially for the benefit of mankind or womankind, but shall be a memorial that will perpetuate his memory as a great architect. Out of this somebody did. I have always thought that General Casey and the architects we employed afterwards had a little to do with making the Library building a practicable building then.

Mr. TELLER. He did not.

Mr. HALE. But granted that Mr. Smithmeyer did, the building never would have been built; it never could have been finished if it had remained with him.

Mr. TELLER. That is not the question.

Mr. HALE. Now the Senate must take this matter up. I have no doubt it will pass the bill.

Mr. HOAR (in his seat). It ought to.

Mr. HALE. As the Senator says, it ought to. The Senator from Colorado believes that Mr. Smithmeyer is a creditor of the Government, does he not?

Mr. TELLER. It was the Senator from Massachusetts who made the last remark.

Mr. HALE. Does the Senator from Massachusetts believe Mr. Smithmeyer is a creditor of the Government?

Mr. HOAR. As the Senator appeals to me, I think when we refer a question to the Court of Claims and the facts are heard, the United States being represented by able counsel, and we authorize a thorough investigation, the facts reported by the Court of Claims ought to be taken as true; that in the end we can not get along in any other way, and that we shall in the long run save more to the Government by taking those findings of fact, both in honor and in money, than we shall by taking the irresponsible recollection of Senators.

My honorable friend from Maine desires no recollection to serve the Government, of course, but he trusts to a collection which is burdened with all the details of millions and millions and millions of expenses in appropriation bills. When this thing came up the last time, he got up and affirmed with great confidence and asseveration that Smithmeyer had had \$148,000 already, and repeated it over and over again. Now he has got it down to \$48,000 that he has had.

Now, Mr. President, if I may say one word more.

Mr. HALE. The Senator may go on. I yield to the Senator.

Mr. HOAR. My honorable friend describes Mr. Smithmeyer as being exactly the same sort of a man he is himself. He says he is a delightful entertainer; a man full of wit, full of pleasant ways; and that when he gets anything into his mind it swells and swells and swells. Now, that is exactly my honorable friend from Maine. Suppose my honorable friend from Maine had a claim against the Government, and the Senate, declining to investigate the facts, submitted it to the Court of Claims, and the Government employed counsel, and the court came in and said, "The fact is that this man did furnish the plans which were acted upon; they are worth so much; they ought to be paid." We do not refer the rule to the Court of Claims; we only refer the facts; and on those facts the Senate is now called upon to act.

Now, my friend says that I think he ought to be paid, and I do. He is a man of vast genius. He is an absolutely honest man. He is a man who was in the service of the Hungarian revolution under Kossuth and came as an exile to this country. He is a man who gave himself to the cause of liberty. He came over here, and he furnished these beautiful plans. I have not heard of his having any claim against the Government for expenditures for the extension of the Capitol, and I do not think any Senator on earth has. That is a creature of my honorable friend's fancy.

Mr. HALE. I heard it first from the Senator from Montana [Mr. CARTER].

Mr. HOAR. No; the Senator from Montana said he had got some plans, but he did not say he had any claim against the Government for any plans.

Mr. CARTER. I made no suggestion of that kind.

Mr. HOAR. He made no suggestion in that form.

Mr. STEWART. He said Mr. Smithmeyer had done some other work.

Mr. HOAR. That is just the way my friend's mind works. The Senator from Montana says that Mr. Smithmeyer has made

some sketches for improving this Capitol. He has done so. I have seen them. They are most beautiful and admirable plans. Now, the Senator from Montana said this man has made some sketches for the enlargement of the Capitol, and that is all he said.

Mr. HALE. He has been paid for it?

Mr. HOAR. Now the Senator says he has been paid for it. Up jumps the Senator from Maine and on that says Mr. Smithmeyer has a great claim against the Government for enlarging the Capitol. That ends the question; the Senator from Montana said so. The Senator from Montana did not say any such thing.

Mr. CARTER. If the Senator will permit me to interject a remark at this point, the Senator from Maine said that Smithmeyer had received certain amounts in excess of \$48,000. At that point I suggested that Smithmeyer had performed other service for the Government than his service in preparing the plans and specifications for the Library building, and had been paid for such services—

Mr. HOAR. Exactly.

Mr. CARTER. In drawing his sketches and plans for the enlargement of the Capitol. I had heard it stated as a fact that he was so paid; that he had no claim for that employment, the employment having been fully paid for.

Mr. HOAR. Now, then, on that statement, up hops my friend from Maine, if I may use the phrase in regard to his graceful motion, and says he has got a great claim against the Government that he will be bringing in as long as he lives for enlarging the Capitol, and the Senator from Montana says so, according to the Senator from Maine. It shows how, with a delightful person, most honest, an excellent man, of great genius, a delightful entertainer, such as the Senator from Maine and such as he describes Mr. Smithmeyer to be, things grow in such an imagination, even at ten minutes after 1 in the afternoon, instead of ten minutes after 1 at night.

Mr. TELLER. Mr. President—

Mr. HALE. I have not yielded the floor. I only yielded to the Senator from Massachusetts. I knew the Senator from Massachusetts would come in for Smithmeyer, and I knew it would be one of his white hen's chickens. All his chickens are white hen's chickens. He says the one thing that he believes in, and that is a pleasant manifestation of his great mind. The thing which stands entirely in his mind as the one essential superlative thing in the world is Mr. Smithmeyer. Mr. Smithmeyer is to the Senator from Massachusetts the superlative creature that combines all excellence. I am not attacking Mr. Smithmeyer. I will not attack him. I did hear for the first time that he had had a claim at some time for work around the Capitol. I did not know that he had been employed. At once, with the experience we have in this claim, I said to myself, "If Mr. Smithmeyer has worked up this Library matter in this way and has been overpaid for it, and now is coming in for more pay, he will certainly work that same game on the Capitol, and we will have a bill in here pretty soon for extra pay on that;" and I have no doubt that we will.

Mr. President, I have taken more time than I intended. The Senate must settle this matter, and I presume it will settle it in favor of Mr. Smithmeyer and we will have to submit, because nobody has any hard feeling against the man. But I warn the Senate that it will not be the end of it.

Mr. LODGE. I wish to ask the Senator from Maine, before he takes his seat, how much we have paid Mr. Smithmeyer so far?

Mr. TELLER. Forty-eight thousand dollars.

Mr. LODGE. What did he do besides draw plans?

Mr. HALE. He did just that.

Mr. LODGE. Did he do anything more?

Mr. HALE. In the erection of the building, after it was started to be built, Mr. Smithmeyer had no more to do with the building or the architecture of it or with the plans for the inside than an unborn child.

Mr. LODGE. I wish to ask the Senator further—

The PRESIDING OFFICER. Senators will please address the Chair and get permission. Does the Senator from Maine yield to the Senator from Massachusetts?

Mr. LODGE. I ask the Senator from Maine if he will answer a further question?

Mr. HALE. Yes; if I can.

Mr. LODGE. My question is to confirm my own memory. Did not Congress take it away from him because the work was being badly and improperly done?

Mr. HALE. I have stated that it was because no progress was being made, because Congress were not satisfied with what he was doing and with his far-reaching schemes, and did not believe that they would get out of it such a building—on the outside, I mean—as they wanted, and the whole thing was taken away from him.

Mr. LODGE. And it was done by somebody else?

Mr. HALE. And then we paid him \$48,000.

Mr. HOAR. Will the Senator allow me to read from the finding of the Court of Claims?

Mr. HALE. Will the Senator let me get through, because I am called out of the Senate? Then he was paid the \$48,000, which we all supposed was the end of it. I asked the clerk of the Committee on Appropriations, who has had charge of these appropriations from time to time, to make up a minute of the amount Smithmeyer had been paid for the building in addition, and the aggregate (I have not the figures here—I had a memorandum) is somewhere between \$70,000 and \$80,000.

Mr. LODGE. Then he has been overpaid already, in my judgment.

Mr. HOAR. May I be allowed to read one sentence, if my colleague will be good enough to listen? This is the finding of the Court of Claims:

The claimants in 1874 gave up their private business as architects and until 1880 devoted themselves almost exclusively to their work on these plans for the Library Building. In 1882 Mr. Smithmeyer traveled extensively over this country and in Europe, visiting library buildings in New York, Boston, Philadelphia, Baltimore, Chicago, Liverpool, London, Paris, Berlin, Vienna, Dresden, Leipzig, and Hanover, at the request of the joint select committee of Congress, for the purpose of obtaining information in respect to the requirements of the great library buildings of the world.

Here is a man who, with his partner, one of the great architectural geniuses of the world, as I say, without fear of contradiction, in his scheme for the enlargement of this Library building, gives, at the request of a committee of Congress, twelve of the best years of his life, and the result is that building, the pride of the people of the United States.

Mr. TELLER. Mr. President, I am not the special champion of either Mr. Pelz or Mr. Smithmeyer. I have never dined with either of those gentlemen; and if they have given large dinners, they have always left me out or else I did not have time to attend.

But, Mr. President, I know something about Mr. Smithmeyer's work. I was one of those who always stood by the committee in their plan of having a fine library. I have examined this matter; I speak knowingly. I say that Mr. Smithmeyer is the architect of that building, with the exception of trifling changes which were made by General Casey, who did not pretend to be an architect, and which changes have been criticised by the architects of the country ever since they were made. The principal change, and about the only one that was made, is in the size of the dome. The dome is larger than Mr. Smithmeyer said it should be; and I have been told by one of the best architects, a New York gentleman, that that is a mar to the building, and that is the only criticism he could make on it; that the Smithmeyer plan should have been carried out.

The whole thing is his, Mr. President, and I ask Senators who say it is not, who is the architect who produced that wonderful building? Those things do not grow. An engineer like General Casey does not do it. It must be a trained genius who makes such a building, and that was Mr. Smithmeyer and Mr. Pelz. They are both men who stand high in the estimation of architects.

The Architects' Association of New York have entered a protest somewhere here against the treatment of Smithmeyer and Pelz in this matter, and have declared that they were entitled to have been paid, and that they ought to have been paid, according to a rule that is inflexible among architects and enforced in all the courts everywhere, a certain amount for the plan, and a certain additional amount if they carry out the building.

One of the grievances of Mr. Smithmeyer was that he was not allowed to complete the building, as he had a right to do after spending twelve years in its creation. He got into a quarrel with the contractor about the cement. I took some interest in the matter at the time. I took an interest in it because I am one of the believers that cement is to be ultimately the great building material of the world, and I have been perhaps a little cranky on that point for some years. The man who was putting in the foundation had unquestionably produced inferior cement, and it was the duty of Smithmeyer to say, "We will not accept it." The man then got into a quarrel with Smithmeyer, and he had some pretty strong backing. I know just what was the result and how the committee felt. Senator Morrill was very much prejudiced against Smithmeyer, growing out of that quarrel; and the committee felt that a quarrel with the contractor would mean delay. Therefore they took General Casey, who was a constructive engineer and not an architect, but a man of great force of character and great pride, and they put Casey in charge. I have discussed the whole matter with Casey on more than one occasion.

I want to repeat that that building is the creation of Smithmeyer and Pelz, and no other person who lives has a right to claim any part of it. General Casey might, if living, claim that the dome is larger than it was to be under Smithmeyer, and that is all. I repeat, every architect that I have talked with has declared the dome to be a mar to the building and not an increase of its beauty.

Now, Mr. President, here is a creation that it took those two men twelve years to get up. It is the wonder of this country. There is no such beautiful library building in the world anywhere. There are larger ones, there are more expensive ones, but there is

no library building in the world that compares with it in beauty, in taste; and Mr. Smithmeyer is now sought to be deprived not only of the pay, but deprived of that which is dearer to an architect, his reputation and character, the reputation of being the originator of it.

Mr. President, I want to enter my protest here at that attempt to rob him of the reputation of designing that building, which is a greater wrong to him than even the determination to give him nothing but the paucity of \$48,000. The junior Senator from Massachusetts [Mr. LODGE] says he has had enough. Mr. President, there is not an architect in the world to whom they dare submit it. Submit it to the Association of Architects in New York and they will tell you he has not been paid; that there is an inflexible rule as to how a man shall be paid; that every builder who enters into an arrangement with the architect does not make a contract with him. The builder knows what he has to pay, because it is the rule of architects.

That is the fact, Mr. President, and this \$48,000 was a mere bagatelle. It was given, the Senator from Nevada says, because the court, not understanding that rule, applied the doctrine of quantum meruit. They said, "You were so long working for the Government at so much a month, and you were so long working on the plans, and we will give you pay at the same rate." I do not remember what this bill proposes, but I think it sends it back to the court.

Mr. STEWART. It proposes to send it back to the court to be determined under the rule of architects.

Mr. TELLER. And that is all Mr. Smithmeyer has ever asked.

Mr. ALLISON. Mr. President, I do not wish to occupy the time of the Senate in a discussion of this measure. I am familiar with many of the steps taken in relation to it, and I desire to say nothing in any way hostile to Mr. Smithmeyer or to his skill as an architect. But as I understand this bill and the report upon it, it is to return this question to the Court of Claims in a way that will compel them to award to Mr. Smithmeyer, in addition to what he has received, \$119,000. I do not know whether it is with interest or without interest.

Mr. STEWART. Without interest.

Mr. ALLISON. Without interest. The next claim that we will probably have will be interest on that amount from the time he was discharged up to the present time.

Now, Mr. President, I do not believe that the claim of Mr. Smithmeyer or Smithmeyer & Pelz should be adjudicated in that way. If we want to pay Mr. Smithmeyer \$119,000, let us appropriate the money, and not do it by indirection by submitting the question to the Court of Claims when we give the Court of Claims no jurisdiction or discretion as respects the verdict they shall bring in.

The Association of Architects, in the testimony before the Court of Claims, states that it is the rule of architects to charge 2½ per cent on the cost of the building when they prepare plans and specifications and do not have charge of the construction. It is perfectly well known what was the cost of this building. It cost in the neighborhood of \$6,000,000. My judgment is that Mr. Smithmeyer has received a fair compensation for all the work he has done; and yet, as I said to a gentleman who spoke to me upon this subject, I would be willing to compromise this matter or adjust it with Mr. Smithmeyer in such a way as to give him far beyond what I think he is entitled to receive.

I think there is no dispute here as to the general facts about this matter. The general facts are that the building has been constructed upon the general exterior plans of Mr. Smithmeyer. He went to Europe a great many years ago, and his expenses were paid. I have no doubt that he did examine a number of library buildings. He prepared his sketch and plan, which was adopted. I am now speaking not from recollection, but from knowledge. He progressed in such a way that it was the general belief of the Committee on the Library, or the special committee, and of the Committee on Appropriations, that he never would complete the Library building if we kept him longer in charge of it.

We tried in the Committee on Appropriations to have Mr. Smithmeyer represent to us his plans and specifications, and make an estimate of the cost of the building. He never would do it. He said the cost depended upon appropriations to be made by Congress, and it could cost \$10,000,000 or \$3,000,000, as Congress appropriated for it, but we never could get from him a statement of the specifications, because he said, and truthfully said, that he could not make detailed specifications until he knew what the cost of the building was to be, and then he could make them. That he made general specifications I do not doubt, but that he made detailed specifications of the interior of that building no man can prove, because he could not make them and did not make them.

Mr. TELLER. I should like to ask the Senator who made them?

Mr. ALLISON. They were made after General Casey took charge of the building from time to time.

Mr. TELLER. Oh, no.

Mr. ALLISON. And they were largely made by Mr. Pelz.

Mr. TELLER. Oh, no.

Mr. ALLISON. Now, I am stating what I know. They were largely made by Mr. Pelz, who was employed by General Casey to continue this work, and who was an expert architect as well as Mr. Smithmeyer. Mr. Pelz was paid a per diem or an annual compensation.

So, Mr. President, whilst I am willing to here appropriate a considerable sum in order to settle and adjust this question with Mr. Smithmeyer, I do not like the provision that is presented here.

In 1886, if that was the year—I do not remember the exact year—after trying to get from Mr. Smithmeyer, as we tried and as the House committee tried, some specifications in detail as to what the cost of the building ought to be, and upon a certain basis of cost what the specifications would be, when we could get nothing out of him, the House committee having failed to make any appropriation for the Library building because they could get nothing out of Mr. Smithmeyer, the Committee on Appropriations in this body put in a provision which was prepared by a subcommittee of the Committee on Appropriations, of which the lamented Mr. Beck of the Senate was the chief. We made up our minds that the only way to deal with this question was to tear it up by the root, and we provided in that legislation that the cost of the building should not exceed \$6,000,000.

The limit of cost was cut down by the House to \$4,000,000. We provided in the law, which was an unusual thing to do, that the construction of the building should be placed absolutely within the control of General Casey, Chief of Engineers, and we provided also that every contract which had been made under Mr. Smithmeyer should be annulled and that the people who had made those contracts should have a right to go into the Court of Claims and sue for the damages that they were entitled to, or at their discretion they could settle with the Secretary of the Interior, who was one of the commissioners. The Secretary of the Interior did settle those claims, and among others he was authorized to settle the claim of Mr. Smithmeyer, and pay him in full for any amount the Government of the United States owed to him. He was offered \$30,000. I am not sure whether he took it or not, but he was offered \$30,000 in addition to what he had already received for his services.

Mr. BURROWS. How much has he been paid?

Mr. ALLISON. He has been paid, as has been stated, some seventy or eighty thousand dollars.

Mr. STEWART. Not on this account.

Mr. TELLER. Only \$48,000.

Mr. ALLISON. That was paid by the Court of Claims on a judgment, but he was paid what I have stated, by and large, prior to that time. Mr. Pelz was in the employ of General Casey for more than three years during the construction of the building, and I think for nearly five years; and he was paid for that service. Mr. Pelz made these specifications in detail as the building progressed; and, therefore, in that sense it may be said that Mr. Pelz contributed to these detailed specifications; but he was employed by General Casey and paid a large per diem or an annual salary, I do not remember which.

Afterwards we enlarged the limitation of cost of the building to \$6,000,000. Now, I want to ask the Senator from Nevada or the Senator from Colorado how it was possible for Messrs. Smithmeyer & Pelz to make detailed specifications of that building, when at the time they had ceased to have any control over it there was no human being who could know whether that building was to cost \$3,000,000 or \$10,000,000? How could there be detailed specifications of the cost of the building in 1886, before it was possible for anyone to know what was to be the interior or exterior construction or the adornment of the building? It does not need proof to show me that that was impossible.

Mr. STEWART. The court found how much would be deducted for those details.

Mr. ALLISON. Very well. I am basing my statement on the suggestion that Messrs. Smithmeyer & Pelz were engaged in preparing detailed specifications for this building. They never did it; and it was impossible for them to do it.

Mr. STEWART. There has been no suggestion of that kind.

Mr. ALLISON. This is an outline of the facts. General Casey by the terms of the law had absolute control of everything, and by the terms of the first statute we were to make an adjustment of the Smithmeyer claim.

There is a technical point here, I agree, which is stated by the Court of Claims, and which it is now sought to get rid of; which technical point is that both Mr. Smithmeyer and Mr. Pelz were employed after this upheaval in 1884 or 1883, I am not sure which, and therefore they waived their architect's claim.

They now ask us for equity, and I am willing to grant them equity; but whilst I am willing to grant them equity, I am not willing that we shall lay down a rule here in a statute under which the Court of Claims will have no discretion, but will be compelled

to award to them a sum which we might as well put in an appropriation bill to-day, because the court can award no other sum than \$119,000.

Mr. WOLCOTT. I should like to ask the Senator a question. Do I understand him to say that this bill is so framed that practically all the Court of Claims has to do is to determine what the architects shall charge and enter up their judgment?

Mr. ALLISON. So I understand.

Mr. STEWART. No; it says "the measure of compensation shall be awarded upon a quantum meruit basis for all services rendered" and "that the measure of compensation shall not exceed the rates and rules established by the custom and usage of the profession of architects for such services."

Mr. ALLISON. Now, let us see as to the quantum meruit. I say all this not to prejudice what we shall do in justice to Mr. Smithmeyer, but I do not want Mr. Smithmeyer to come in here and by construction to secure a sum far beyond what in justice he is entitled to. I have no charge against the architect; but I only wanted to show how impossible it was for the statement made by the Senator from Colorado and the Senator from Nevada to be true as to the detailed specifications.

Mr. TELLER. I will interrupt the Senator long enough, if he will permit me, to say that I never said "the details." No architect ever makes such detailed statements until after the work is begun. He made the plan; it was there, and any other architect could take it and make the details. That is what he did, and it took him twelve years to do it.

Mr. ALLISON. Oh, Mr. President—

Mr. TELLER. I do not pretend to say that an architect was not needed there. They took Mr. Pelz, and Mr. Pelz followed out the original idea and original plan, as every architect does, for which he is always paid a sum in addition to the amount paid for the design. He is paid for putting the details in as he goes along. I have not said a word about details.

Mr. ALLISON. I am only showing that the mere exterior plans of this building—the pictures of it—can by no means be worth 2½ per cent of the amount of cost.

Mr. TELLER. It was not the exterior plan. It was the interior plan. Plans were made for every room, and any architect could have taken the plans and carried out the details.

Mr. ALLISON. The bill says:

That the measure of compensation shall be awarded upon a quantum meruit basis for all services rendered until such plans were accepted by the United States.

Mr. TELLER. That is what he claims.

Mr. ALLISON. The bill proceeds:

And in the absence of express contract the rate of compensation subsequently paid to the claimants for services in the construction of the Library building shall not be evidence of the value of the services of claimants in preparing such plans.

One of these men was employed all the time afterwards in the construction of the building until very nearly its completion.

There is a further proviso, which reads:

And provided further, That the measure of compensation shall not exceed the rates and rules established by the custom and usage of the profession of architects for such services; and the evidence heretofore taken and used by either party in the Court of Claims shall be competent in this suit and considered with such other evidence as either party may introduce.

The decision of the Court of Claims states that the rule of evidence is the compensation awarded to architects for similar services. I have stated my view about this matter, and I am very sorry to have occupied the time and attention of the Senate so long.

Mr. WOLCOTT. I should like to ask the Senator from Iowa another question before he concludes. Is it a fact, as stated by the senior Senator from Massachusetts [Mr. HOAR], that the Court of Claims has ever reported that, in justice and equity, Smithmeyer & Pelz should be paid this large sum.

Mr. ALLISON. I do not know. I do not think that they used that phraseology.

Mr. WOLCOTT. No.

Mr. ALLISON. They say that it is usual to pay architects on the basis of the rules of the Society of Architects; and that upon that basis this firm would be entitled to 2½ per cent.

Mr. WOLCOTT. Then, under this bill, as I understand it, the Court of Claims will have nothing to do but to enter up judgment?

Mr. ALLISON. I think nothing else.

Mr. STEWART. Let us have a vote on the bill now. I do not care to prolong the debate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question now is, Shall the bill pass?

Mr. WOLCOTT. On that question I ask for the yeas and nays. The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HEITFELD (when his name was called). I am paired with

the senior Senator from New York [Mr. PLATT], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I should like to vote for this bill, but I am paired with the Senator from Nebraska [Mr. THURSTON]. I do not know how he would vote if present, and therefore I must withhold my vote.

Mr. TURLEY (when his name was called). I have a general pair with the Senator from Wisconsin [Mr. SPOONER]. I do not know how he would vote on this question, but if he were present, I should vote "nay."

The roll call was concluded.

Mr. CLARK. I announce my pair with the Senator from Kansas [Mr. HARRIS], and withhold my vote.

Mr. BUTLER (after having voted in the affirmative). I suggest to the Senator from Wyoming [Mr. CLARK] that we transfer our pairs, so that we can both vote. I am paired with the Senator from Maryland [Mr. WELLINGTON].

Mr. CLARK. That is satisfactory.

Mr. BUTLER. Then I will allow my vote in the affirmative to stand.

Mr. CLARK. Under that arrangement I am at liberty to vote, and I vote "yea."

The result was announced—yeas 36, nays 25; as follows:

YEAS—36.

Allen,	Fairbanks,	Kyle,	Ross,
Bacon,	Foraker,	McBride,	Shoup,
Bard,	Foster,	McEnery,	Stewart,
Butler,	Gallinger,	Mallory,	Sullivan,
Carter,	Hanna,	Mason,	Taliaferro,
Clark,	Hawley,	Money,	Teller,
Culbertson,	Hoar,	Nelson,	Turner,
Daniel,	Jones, Nev.	Perkins,	Vest,
Davis,	Kenney,	Quarles,	Warren.

NAYS—25.

Aldrich,	Chandler,	Kean,	Proctor,
Allison,	Clay,	Lindsay,	Scott,
Baker,	Cullom,	Lodge,	Wetmore,
Bate,	Deboe,	McMillan,	Wolcott.
Berry,	Hale,	Pettigrew,	
Burrows,	Hansbrough,	Pettus,	
Caffery,	Jones, Ark.	Platt, Conn.	

NOT VOTING—25.

Beveridge,	Harris,	Penrose,	Thurston,
Chilton,	Heitfeld,	Platt, N. Y.	Tillman,
Cockrell,	McComas,	Pritchard,	Turley,
Depew,	McCumber,	Rawlins,	Wellington.
Elkins,	McLaurin,	Sewell,	
Frye,	Martin,	Simon,	
Gear,	Morgan,	Spooner,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House of Representatives the bill of the House, No. 9083, to authorize the Commissioner of General Land Office to dispose of Choctaw orphan Indian lands in Mississippi, and to make appropriation for executing act of Congress approved June 28, 1898; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 3598) to amend an act granting to the Muscle Shoals Power Company right to erect and construct canal and power station at Muscle Shoals, Alabama; and it was thereupon signed by the President pro tempore.

RED RIVER BRIDGE AT ALEXANDRIA, LA.

Mr. PETTIGREW obtained the floor.

Mr. ALLISON. Will the Senator yield to me to move an executive session?

Mr. PETTIGREW. I yield to the Senator from Iowa for the purpose of moving an executive session, but for no other purpose.

Mr. CULLOM. I rise to a privileged motion. I have tried to get the floor two or three times without announcing my purpose.

I desire to enter a motion to reconsider the vote by which the Senate passed the bill (H. R. 10650) to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana. I enter the motion simply because I desire to look into the subject. I have a dispatch stating that a full statement regarding the bill will be received by me by to-morrow morning.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

PROPOSED ANTI-TRUST LEGISLATION.

Mr. ALLISON. Mr. President—

The PRESIDENT pro tempore. Will the Senator withhold his motion for a few minutes while the Chair lays before the Senate a bill from the House of Representatives for reference?

Mr. ALLISON. Certainly.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 10539) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; which was read the first time by its title.

Mr. PETTIGREW. I wish to make a motion in regard to that bill. I shall move to place the bill upon the Calendar, and I shall move immediately afterwards to take it up. It is a bill, as I understand it, to control trusts. I move that the bill be placed on the Calendar, without reference to any committee.

Mr. ALLISON. I should think that the bill ought to be printed.

Mr. PETTIGREW. Then I move that it be printed and placed upon the Calendar.

The PRESIDENT pro tempore. The Senator from South Dakota moves that the bill take its place on the Calendar and be printed.

Mr. GALLINGER. If in order, I move that the bill be referred to the Committee on the Judiciary. It seems to me that so important a bill ought to be referred.

The PRESIDENT pro tempore. That motion takes precedence of the motion of the Senator from South Dakota.

Mr. GALLINGER. I make that motion, Mr. President.

Mr. PETTIGREW. Then upon that motion I ask for the yeas and nays. We ought not to adjourn without enacting some anti-trust legislation. The House has passed a bill, and it is here. We are not obliged to adjourn. There is plenty of time to enact this legislation.

Mr. HOAR. I suggest that the regular order being the motion to proceed to the consideration of executive business the question on that motion ought to be now put, and let this matter come up afterwards.

The PRESIDENT pro tempore. There is a matter which the Chair thinks should be laid before the Senate at this time.

Mr. HOAR. I do not object to that.

CHOCTAW INDIAN LANDS IN MISSISSIPPI.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which, on motion of Mr. JONES of Arkansas, was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring). That the President of the United States be and he is respectfully requested to return to the House of Representatives House bill 9083, to authorize the Commissioner of General Land Office to dispose of Choctaw orphan Indian lands in Mississippi, and to make appropriation for executing act of Congress approved June 28, 1898.

NEVADA STATE CLAIM.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a report from the Auditor for the War Department of May 28, 1900, amending his report of January 18, 1900, relative to the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the civil war; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. STEWART. I have already received a communication on the same subject, and it is in the hands of the conference committee of the Committee on Appropriations.

The PRESIDENT pro tempore. In the absence of objection, the communication will be referred to the Committee on Appropriations.

PROPOSED ANTI-TRUST LEGISLATION.

Mr. PETTIGREW. If the motion to refer the anti-trust bill is in order, I suppose that is the pending business, the motion having been made.

The PRESIDENT pro tempore. It is in order.

Mr. PETTIGREW. Upon that motion I desire the yeas and nays.

The PRESIDENT pro tempore. The Senator from South Dakota [Mr. PETTIGREW] asks for the yeas and nays on the motion to refer the bill known as the anti-trust bill.

Mr. PETTIGREW. I ask the yeas and nays on the motion to refer. I think we ought to take that bill up and dispose of it before Congress adjourns.

Mr. CULLOM. Will the Senator allow me to make a motion?

Mr. PETTIGREW. I shall not yield to anyone for any purpose.

Mr. CULLOM. There are, I think, other Senators here who have some rights as well as the Senator from South Dakota.

The PRESIDENT pro tempore. The Chair had overlooked the fact that the Senator from Iowa [Mr. ALLISON] had entered a motion that the Senate proceed to the consideration of executive business, which takes precedence of the motion of the Senator

from New Hampshire [Mr. GALLINGER], to refer what is known as the anti-trust bill.

EXECUTIVE SESSION.

Mr. ALLISON. I insist on my motion that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and fifty-five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had receded from its disagreement to the amendment of the Senate No. 155 to the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, and agrees to same with an amendment, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (H. R. 1992) for the relief of Mathias Peterson;

A bill (H. R. 2826) to create a commission to make settlement and adjustment of the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States; and
A bill (H. R. 5264) for the relief of the estate of Maj. Guy Howard, deceased.

HOUR OF MEETING.

On request of Mr. ALDRICH, and by unanimous consent, it was

Ordered, That when the Senate adjourn to-day it adjourn to meet to-morrow at 10 o'clock a. m.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. SCOTT. I wish to give notice that to-morrow morning at the conclusion of the routine business, or as soon thereafter as I may be able to obtain the floor, I desire to address the Senate on the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

PRINTING OF PAPERS ON PHILIPPINES, ETC.

Mr. MORGAN. I ask unanimous consent to have printed as a document some letters of Mr. Noyes, of this city, who has been to the Philippines, Ceylon, Java, etc., and has written some most interesting and instructive papers, which I think the Senate will enjoy very much and be greatly instructed by. I ask unanimous consent to have the papers printed as a document.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for printing as a document the papers he has mentioned, being the letters of a correspondent of the Evening Star from the Philippines, Java, etc. Is there objection? The Chair hears none, and it is so ordered.

PAPER ON NATIONAL POLICIES.

Mr. PETTIGREW. I ask unanimous consent to have printed as a document a paper which I have in my hand, being quotations from the letters and speeches of Abraham Lincoln and Thomas Jefferson and George Washington. It will not be a large document. I desire to have it printed as a document.

Mr. CHANDLER. I will not object if there is no original matter of the Senator from South Dakota with those extracts.

Mr. PETTIGREW. There is no original matter of either mine or of the Senator from New Hampshire.

The PRESIDENT pro tempore. The Senator from South Dakota asks unanimous consent that the paper mentioned by him be printed as a document. Is there objection? The Chair hears none.

PROPOSED ANTI-TRUST LEGISLATION.

Mr. HOAR. I should like to ask the Chair, with the consent of the Senate, to state the condition of the anti-trust bill.

The PRESIDENT pro tempore. The anti-trust bill is on the table. A motion was made to refer it to the Committee on the Judiciary.

Mr. HOAR. I should like to ask the Chair whether, under the rules of the Senate, it is possible to have that case go to the Calendar without reference, unless by unanimous consent, until it has had two separate readings on two separate days?

The PRESIDENT pro tempore. It is not, nor would a motion to refer to a committee be in order if a demand for the second reading of the bill was made.

Mr. HOAR. In other words, to take up the anti-trust bill to-morrow or the next day will require unanimous consent. That is what I want to have understood.

Mr. PETTIGREW. I should like to know if a motion to proceed to its consideration would not be in order?

The PRESIDENT pro tempore. In the opinion of the Chair it would not, because the bill—

Mr. PETTIGREW. A motion to have it read, then?

The PRESIDENT pro tempore. The bill must lie on the table until it has had two several readings, and the rule is that the two readings shall not take place on the same day.

Mr. PETTIGREW. Then a motion to proceed to its reading would be in order?

The PRESIDENT pro tempore. It has been read once, and the rule requires that a day shall elapse before the second reading shall take place, providing an objection is made to the second reading at the time.

Mr. PETTIGREW. It has been read once to-day?

The PRESIDENT pro tempore. It has.

Mr. PETTIGREW. Very well. I did not know that.

Mr. ALLEN. However, that matter would be in the control of the majority of the Senate finally, would it not?

The PRESIDENT pro tempore. It would be in the control of a majority of the Senate after it had a second reading.

Mr. ALLEN. Suppose a majority of the Senate should overrule the Chair?

The PRESIDENT pro tempore. If an appeal should be made from the decision of the Chair and the appeal should be sustained, I suppose the bill would be in the hands of the Senate.

Mr. ALLEN. In the control of the Senate.

Mr. PETTIGREW. It would come up on its second reading, then, to-morrow?

The PRESIDENT pro tempore. The bill may have its second reading to-morrow.

Mr. ALLEN. I ask unanimous consent for its second reading at the present time.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the second reading now of the anti-trust bill. Is there objection?

Mr. ALDRICH. It is very evident that that bill can not be taken up at this session, and it is simply a matter of a farce in trying to push it here in this situation.

Mr. ALLEN. Does the Senator object?

Mr. ALDRICH. I do object.

The PRESIDENT pro tempore. Is there objection?

Mr. ALDRICH. I object.

The PRESIDENT pro tempore. The Senator from Rhode Island objects.

Mr. PETTIGREW. Then to-morrow I shall move to proceed to its second reading.

The PRESIDENT pro tempore. It will be read to-morrow. It will be entirely legitimate that the bill shall have its second reading to-morrow.

Mr. COCKRELL. Now, let the Senator from Rhode Island make his proposition.

ORDER OF PROCEDURE FOR EVENING SESSION.

Mr. ALDRICH. I ask unanimous consent that at the session this evening, after the conclusion of the speech of the Senator from South Dakota [Mr. PETTIGREW], no other legislative business be considered except conference reports and unobjected bills upon the Calendar.

Mr. HAWLEY. Good!

The PRESIDENT pro tempore. The Senator from Rhode Island asks that after the completion of the speech by the Senator from South Dakota this evening no legislative business shall be transacted except the consideration of conference reports and of unobjected cases on the Calendar. Is there objection?

Mr. BACON. I possibly may be in error, but I understand the purpose of an arrangement of that kind is to so guard the business which is to be transacted that a Senator may, if he sees proper, be absent with safety.

Mr. ALDRICH. Partly, and partly to make progress with the business which should be concluded at this session.

Mr. BACON. That may be, and it is for the purpose of having an understanding of that matter that I now suggest the matter that I called to the attention of the Chair.

Mr. President, the only trouble in my mind is this. There are some extremely important matters now in conference, matters which, if they are to be passed upon to-night, would possibly make every Senator desire to be present.

Mr. ALDRICH. Every Senator ought to be present.

Mr. BACON. If the matter which I suggested is to be eliminated from the intention, and it is to be limited to the one that the Senator has last suggested—that it is for the purpose of making progress—then the Senate is on notice that that is the fact, and we should all be present.

Mr. ALDRICH. I hope all Senators will be present.

Mr. BACON. In other words, if the Senator will pardon me, I made the inquiry simply that we might be put upon notice, that

Senators might not think it was a pro forma meeting, but that it is to be a meeting for the transaction of important business.

Mr. CHANDLER. Conference reports.

Mr. PETTIGREW. I do not want to object—and I shall not object—but I believe there is no necessity for a unanimous-consent agreement.

Mr. ALLISON. I desire to give notice that I hope to have the conference report on the sundry civil appropriation bill considered at some hour this evening, probably not before 9 o'clock. That bill is a very important one, and there are important questions involved in it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island?

Mr. GALLINGER. Mr. President, I desire to be heard a moment before consent is given. I wish to say that I shall some time during the evening ask that the House pension bills and such Senate bills as Senators present may desire to have considered be either considered to-night or early to-morrow. I simply want to say that unless that consent shall be given I will not ask to have them considered at this session. I do not want them passed and fail to have the consideration of the Executive, and I hope that some time during the evening, or after the routine business to-morrow, a little time shall be given for that order.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none.

Mr. ALDRICH. I hope a record will be made of the agreement already reached, that the Senate shall meet to-morrow morning at 10 o'clock.

The PRESIDENT pro tempore. That has been made.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the following resolution from the House of Representatives:

Resolved, That the House recede from its disagreement to the amendment of the Senate No. 155 to the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, and agrees to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

"For the purchase by the Commissioners of the District of Columbia of a suitable site in the District of Columbia for a municipal hospital, \$100,000, or so much thereof as may be necessary."

Mr. ALLISON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

Mr. ALLISON. I desire to state that concurrence in this amendment passes the bill. There was only one controverted question.

Mr. GALLINGER. The bill is now passed?

Mr. ALLISON. It is now passed.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. ALLEN. I desire to state that at the conclusion of the morning business to-morrow morning I shall ask the attention of the Senate for a few moments to discuss the Philippine question.

Mr. SCOTT. The Senator will follow me. I have already given notice.

Mr. ALLEN. I will follow the Senator from West Virginia.

PROPOSED ANTI-TRUST LEGISLATION.

Mr. BUTLER. I desire to give notice that to-morrow, after the Senator from West Virginia [Mr. SCOTT] and the Senator from Nebraska [Mr. ALLEN] have concluded their remarks, I will address the Senate on the trust bill that came over this morning from the House to the Senate.

BATTLE MONUMENT IN NORTH CAROLINA.

Mr. BUTLER. Mr. President, I ask unanimous consent to call up a short bill of only two lines. It was reported this morning from the Committee on the Library. It is Senate bill 2270.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent for the consideration of a bill, which will be read.

The Secretary read the bill (S. 2270) appropriating \$10,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. KEAN. This is on State property, is it not? It is not national?

Mr. BUTLER. It is a company incorporated by the State. The State is making an appropriation for it.

Mr. PLATT of Connecticut. Who put up the monument?

Mr. LODGE. I do not think—

The PRESIDENT pro tempore (at 6 o'clock p. m.) By order of the Senate, the Senate will take a recess until 8 o'clock this evening.

The Senate thereupon took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

WILLIAM T. LOWRY.

Mr. GALLINGER. I report from the Committee on Pensions, without amendment, the bill (H. R. 504) granting an increase of pension to William T. Lowry, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William T. Lowry, late first sergeant Company D, Battalion Georgia Mounted Volunteers, war with Mexico, and to pay him a pension of \$20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. PETTIGREW obtained the floor.

Mr. COCKRELL. I ask the Senator from South Dakota if he will yield to me just one moment to pass a little House bill of about fifteen lines?

Mr. PETTIGREW. I will say that I have had as many as twenty requests of that kind. I do not think it proper for me to discriminate; and therefore I shall have to decline to yield, although I very much regret doing so.

The PRESIDENT pro tempore. The Senator from South Dakota declines to yield.

Mr. PETTIGREW. Mr. President, when the present session of Congress convened six months ago, the Senate expected and had a right to expect, and the American people expected, that the Administration in charge of the Government, in charge of events which were occurring in the Philippine Islands, would report to Congress the results of our operations in that distant country. A complete résumé of everything that had been done by our Army and our officers should have been laid before both Houses of Congress, but it was not done. The public was well aware that some information in regard to what had been occurring in the Philippines had reached us through the censored press and the correspondence of our soldiers. That such information was meager, that it was uncertain, and that the facts were hard to secure, was known to all. When Congress assembled, those statements regarding the situation which we had a right to expect were not forthcoming. December passed, and in January resolutions were introduced in this body calling for important facts in connection with the war on the Philippines.

The resolutions introduced were promptly laid upon the table by the Administration majority in the Senate. Finally a resolution prepared by the Senator from Massachusetts [Mr. HOAR] passed the Senate, asking the Administration for a detailed account of all its doings in connection with the Philippine Islands. We waited many weeks, and finally a partial statement was sent in. It did not cover the scope of the inquiry, and at the close of the session we are without the information. The report of the President in answer to our resolution of inquiry concerning transactions in the Philippines did not convey all the truth. It contained only fragmentary selections from the record. All that has come to us in a direct way has been printed. I believe it is insufficient; that it does not cover the ground; that such information was withheld as the Administration desired to suppress; that the American people are no longer trusted by the party in power; they are no longer taken into the confidence of their administrative servants and intrusted with the facts. Proof conclusive that facts were withheld was furnished by the Senator from Wisconsin [Mr. SPOONER] in his speech a few days ago. He read from the printed reports which came from the Administration in reply to our resolutions; but, Mr. President, he also read from manuscript, more than from anything else, that which was withheld from Congress, that which had not been furnished to the whole people. He read what was accessible to Administration Senators and not accessible to other members of the Senate.

Congress is about to adjourn, the facts are withheld, and the American people are to go on another summer with such information as they are able to gather without the confidence of an Administration that again asks for their votes.

The friends of the Administration, the imperialists in this body, have complained that we were unwilling to believe the officers of the Government and their statements regarding the situation in the Philippines. Mr. President, up to the time the treaty with Spain was sent to this body there is no doubt that the Administration sent us all the facts in its possession. Document 62 contains the story of our operations in the Philippines up to November, 1898. Since that time, owing to a change in the policy of the

Government, information upon this important subject has been withheld. We base our case on the arguments that have been made upon information drawn from Document No. 62, transmitted to us, accompanied by a message from the President. Aside from the matter contained in Document 62, we have been unable to secure facts, and we are accused of not believing what is said by the officers of the Government.

We have reason, Mr. President, to question the veracity of the officers of the Government in their later utterances. There is no doubt that when our representatives first went to Manila they promised the people of those islands liberty and independence if they would help us destroy the Spanish power in the East. There is no doubt but what every American who talked with Aguinaldo and his followers gave them to understand that they would be assisted in setting up a government. There is no doubt that our consuls and our generals and Admiral Dewey gave Aguinaldo such promises in abundance; but since we decided to conquer the Philippines, to destroy republics in Asia—since we decided to deprive those people of the right to govern themselves, the reports we have received from our own officers are subject to question and to doubt—in the first place, because all the facts in possession of the Government have not been placed before us; and, in the second place, because we find our officers willing to pursue the course which Otis pursued, that of distorting the facts, or of changing the reports and placing a wrong construction upon words. It has been the general policy, from the President down, to deceive the public.

The commission we sent to the Philippines came back and made a partial report just before the election. This report is signed by Mr. J. G. Schurman, Admiral Dewey, Charles Denby, and Dean C. Worcester, and in it they say:

On the arrival of the troops commanded by General Anderson at Cavite, Aguinaldo was requested by Admiral Dewey to evacuate that place, and he moved his headquarters to the neighboring town of Bacoor. Now for the first time arose the idea of national independence.

This appears to have been on the 4th day of July, 1898, and Admiral Dewey had been in the islands and had had dealings with Aguinaldo since the previous May. Mr. Schurman had undoubtedly thoroughly investigated the question, but in order to make out a case which would justify the position they took in this report, they must insert a statement that Aguinaldo never had a notion that he desired independence until July 4, 1898.

What are the facts? They were known to Admiral Dewey. He must have known them, and Mr. Schurman must have known them; and yet they were willing to put forth a misleading statement, because it better suited the purpose for which they made their report. It is statements of this sort, not founded upon the exact truth, but enunciated for the purpose of deceiving the American people, that causes us to question what this commission, headed by Mr. Schurman, may say, and makes us doubt the information which we receive from the Administration.

Let us look back in the authentic record to the time when the Filipinos first declared that they desired independence. Consul Wildman tells us that a delegation of Filipinos came to him in November, 1897, and said that in case of war with Spain—and this was months before war was declared—the Filipinos then in revolt would be glad to join us and be our allies; that they aspired to independence; and Mr. Wildman so notified the State Department; and the document is official. I read from Senate Document No. 62, part 1, third session Fifty-fifth Congress, on pages 360 and 361. This is a letter from Aguinaldo to President McKinley, dated June 10, 1898:

I come to greet you with the most tender effusion of my soul, and to express to you my deep and sincere gratitude in the name of the unfortunate Filipino people for the efficient and disinterested protection which you have decided to give it to shake off the yoke of the cruel and corrupt Spanish domination, as you are doing to the equally unfortunate Cuba, which Spain wishes to see annihilated rather than free and independent. * * *

I close by protesting once and a thousand times in the name of this people, * * * a people which trusts blindly in you, not to abandon it to the tyranny of Spain, but to leave it free and independent, even if you make peace with Spain.

Again, on June 18, 1898, on page 433 of Document 62, I find the following:

I have proclaimed in the face of the whole world that the aspiration of my whole life, the final object of all my efforts and strength, is nothing else but your independence, for I am firmly convinced that that constitutes your constant desire and that independence signifies for us redemption from slavery and tyranny, regaining our liberty and entrance into the concert of civilized nations.

Here, then, was an aspiration, an aspiration clearly expressed in the proclamation by Aguinaldo on June 18, 1898, and yet our commissioners say and Dewey, in whose hands this proclamation was, says to the American people, in November, 1898, that the first thought of Aguinaldo and his people had of independence was on the 4th of July, 1898.

On page 434 of the same report appears the first article of the provisional constitution promulgated June 23, 1898, in which I find the following:

The dictatorial government will be entitled hereafter the revolutionary

government, whose object is to struggle for the independence of the Philippines until all nations, including the Spanish, shall expressly recognize it, and to prepare the country so that a true republic may be established.

What can be more plain, more distinct? And yet because it suited the purpose of the Administration previous to the election of 1893, our commissioners, Dewey joining, stated to the people of this country the falsehood that the Filipinos first thought of independence on July 4, 1898.

On page 437 of Document 62, from the message of the Filipino president to his Congress, on June 23, 1898, on the desires of the Filipino government, I find the following:

It struggles for its independence in the firm belief that the time has arrived in which it can and ought to govern itself.

But back further than this we find the same record on page 351 of Document No. 62, which was sent to us by the President of the United States. Here is an address to our consul, Mr. Pratt, by the Filipinos resident in Singapore, dated June 8, 1898:

Our countrymen at home and those of us residing here, refugees from Spanish misrule and tyranny in our beloved native land, hope that the United States, your nation, persevering in its humane policy, will efficaciously second the programme arranged between you, sir, and General Aguinaldo in this port of Singapore, and secure to us our independence under the protection of the United States.

On page 352 we find Consul Pratt replying to the above address; and in that reply he says:

I am thankful to have been the means, though merely the accidental means, of bringing about the arrangement between General Aguinaldo and Admiral Dewey, which has resulted so happily. I can only hope that the eventual outcome will be all that can be desired for the happiness and welfare of the Filipinos.

Then, on page 346 of Document 62 I find the following proclamation of the Filipino leaders in Hongkong before Aguinaldo sailed for Manila:

Compatriots: Divine Providence is about to place independence within our reach, and a way the most free and independent nation could hardly wish for.

Aguinaldo, in a proclamation of May 8, 1898, to be found on page 431 of Document No. 62, says:

Filipinos: The great nation, North America, cradle of true liberty and friendly on that account to our people, oppressed and subjugated by the tyranny and despotism of those who have governed us, has come to manifest even here a protection which is decisive as well as disinterested toward us, considering us endowed with sufficient civilization to govern by ourselves this our unhappy land.

So I say, Mr. President, it is not without cause that we doubt the recent statements of the officers of the Government so long as the Administration refuses to send to the Senate or to give to the American people the complete facts.

Here is a report from Consul Wildman, at Hongkong, found in Document No. 62. It is dated Hongkong, July 18, 1898, and addressed to Mr. Moore, the Assistant Secretary of State:

Mr. Wildman to Mr. Moore.

CONSULATE OF THE UNITED STATES,
Hongkong, July 18, 1898.

SIR: The insurgents are fighting for freedom from Spanish rule and rely upon the well-known sense of justice that controls all the actions of our Government as to their future.

In conclusion, I wish to put myself on record as stating that the insurgent government of the Philippine Islands can not be dealt with as though they were North American Indians, willing to be removed from one reservation to another at the whim of their masters. If the United States decides not to retain the Philippine Islands, its 10,000,000 people will demand independence, and the attempt of any foreign nation to obtain territory or coaling stations will be resisted with the same spirit with which they fought the Spaniards.

I have the honor, etc.,

ROUNSEVELLE WILDMAN,
Consul-General.

What does Admiral Dewey say about this matter? On June 27, 1898, Admiral Dewey sent to Secretary Long the following:

I have given him (Aguinaldo) to understand that I consider insurgents as friends, being opposed to a common enemy. He has gone to attend a meeting of insurgent leaders for the purpose of forming a civil government.

"For the purpose of forming a civil government!" And yet Admiral Dewey says to the people of the United States that the insurgents under Aguinaldo and Aguinaldo himself never thought of independence until the Fourth of July, although he telegraphed to the Secretary of the Navy on the 27th of June that he had gone to attend a meeting of insurgent leaders for the purpose of forming a civil government.

Now, the fact of the matter is that in this interview Dewey advised with Aguinaldo about the form of that government and about the steps to be taken to set it up.

Admiral Dewey said:

Aguinaldo has acted independently of the squadron, but has kept me advised of his progress, which has been wonderful. I have allowed to pass by water recruits, arms, and ammunition and to take such Spanish arms and ammunition from the arsenal as he needed. Have advised frequently to conduct the war humanely, which he has done invariably.

And yet he now declares that Aguinaldo is not an ally; and Admiral Dewey further says in his recent utterances that there was no alliance; that his purpose was only to use Aguinaldo to whip Spain. Yet Dewey telegraphed to the Secretary of the Navy that Aguinaldo was allowed to pass recruits, arms, and ammunition,

and to have such Spanish arms and ammunition from the arsenal as he needed. He armed and consulted the insurgents about the whole operation; his (Aguinaldo's) progress was officially announced to have been wonderful; and yet there was no alliance! Mr. President, it is hardly necessary to comment further upon this subject. Any person who will look to ascertain what an alliance is will find that the Philippine situation at that time constituted an alliance in every particular.

I do not propose to question Admiral Dewey's veracity; but I am going to leave the public to decide that question upon the record which he has made. Compare his statements then and now and let them stand. Admiral Dewey says:

I never promised him, directly or indirectly, independence for the Filipinos. I never treated him as an ally except so far as to make use of him and his soldiers to assist me in my operations against the Spaniards. He never uttered the word "independence" in any conversation with me or my officers. The statement that I received him with military honors or saluted the Filipino flag is absolutely false.

He never treated Aguinaldo as an ally except for the purpose of using him and his soldiers to "assist me in my operations against the Spaniards." Well, who ever made fuller use of an ally in the world? Where was there ever a case? We might as well have claimed that in the Revolutionary war France was not an ally of the United States because we only used the French and their armed forces and soldiers to assist us in operations against England.

But let us see, Mr. President, whether this is a fact. In the first place Admiral Dewey says he never saluted the flag of the Filipino republic. It is well known that shortly after Aguinaldo had organized his forces a flag was adopted; that a ship was donated by one of the wealthy Filipinos to the government; that upon it was placed a battery of guns, and that it was used in operations against the Spanish garrisons at different points.

I looked up the question of a salute in the Century Dictionary. This is the definition of a salute:

In the Army and Navy a compliment paid when troops or squadrons meet. There are many modes of performing a salute, such as firing cannon or small arms, dipping colors, presenting arms, manning the yards, cheering, etc.

Webster says:

A token of respect or honor for a foreign vessel or flag by a discharge of cannon, volleys of small arms, dipping the colors or the top sails, etc.

Johnson's Universal Cyclopædia gives about the same definition.

I therefore wrote to Lieut. C. G. Calkins, who was on Dewey's ship in Manila Bay through the summer of 1898, one of the officers on Dewey's own vessel, and here is what he says about it:

BRANCH HYDROGRAPHIC OFFICE,
San Francisco, Cal., March 28, 1900.

DEAR SIR: In regard to salutes to the Philippine flag in Manila Bay or elsewhere, I am satisfied that no regular naval salute was ever rendered by any vessel of Admiral Dewey's fleet. A naval salute involves the firing of guns, and none of the vessels cruising under Aguinaldo's authority had a saluting battery or made any attempt to offer a formal salute.

The references to saluting in Filipino reports are probably due to the fact that their vessels in passing through our lines, as they were freely allowed to do, dipped their colors, and the *Olympia* and other ships did the same in response. This might be called a salute by persons unacquainted with naval routine.

Very respectfully,

C. G. CALKINS.

HON. R. F. PETTIGREW,
Senate of the United States, Washington, D. C.

In other words, Mr. President, Admiral Dewey brands as an unqualified falsehood the statement made by Aguinaldo and by others that he saluted their flag; and when we look to the Century Dictionary, to Webster's Dictionary, or to Johnson's Universal Cyclopædia, we find that a salute may be dipping the colors; and the executive officer of the *Olympia* says that they did dip their colors in response to the dipping of the colors of the Filipino ships as they passed by.

Murat Halstead, who was one of the officers of the present Administration in the city of Manila, says in his book, *The Story of the Philippines*:

The Philippine flag is oriental in cut and color, having red and blue bars—a white obtuse angle—the base to the staff, and a yellow moon with fantastic decorations occupying the field. This flag is one that Admiral Dewey salutes with respect.

Halstead was over there in an official capacity. He says that:

On the 17th I was appointed to take charge of the duties performed by the intendente general de hacienda or minister of finance and all fiscal affairs.

Now, let us see how it was upon land. I have here a letter addressed "To whom it may concern." It is signed by C. P. Van Houten, captain Company D, South Dakota Regiment, United States Volunteers. He says:

STATE HEADQUARTERS AMERICAN LEAGUE,
Canton, S. Dak., February 8, 1900.

To whom it may concern:

On or about the middle of September, 1898, the Philippine troops marched by the First South Dakota Regiment in columns of four, and the First South Dakota Regiment, through general orders, saluted the Philippine army by turning out guard.

C. P. VAN HOUTEN,
Ex-Captain Company D, South Dakota Troops, United States Volunteers.
H. E. GREENE, Sergeant.

I have another:

The Fifty-first Iowa Regiment saluted an armed body of insurgents near Calumpit during the stay of hostilities, and our men saluted the Filipino officers at Cavite.

This is signed

E. E. HAWKINS,
Late Second Lieutenant Company B, First South Dakota Infantry.

So it appears that we did salute the Filipino flag. It seemed to be very important on the part of the imperialists to show that such was not the fact. They seemed to think it absolutely necessary that it should not be established, because if they did salute the flag, if our officers helped arm them to fight the common enemy, they became our allies, and then in attacking them we attacked our allies.

Mr. Schurman, one of these commissioners who went over there to negotiate with these people, makes the following statement:

CORNELL UNIVERSITY, OFFICE OF THE PRESIDENT,
Ithaca, N. Y., February 3, 1900.

DEAR SENATOR DEPEW: I see, from page 1362 of the CONGRESSIONAL RECORD, that Senator PETTIGREW, speaking of myself, says:

"The fact of the matter is that he tried to bribe the insurgents, as near as we can ascertain, and failed; but they would not take gold for peace."

Had this preposterous statement been made anywhere else I should not have paid any attention to it, but as it has been made in the Senate of the United States I desire to say to you that it is absolutely without foundation.

Very truly, yours,

J. G. SCHURMAN.

HON. CHAUNCEY M. DEPEW,
United States Senate, Washington, D. C.

Now, let us see whether it is without foundation or not. I go into this matter in detail, because I propose to show by the record that these men are not entitled to credit. Their statements will be used on the stump during the entire summer and fall. I quote from the Chicago Tribune of September 15, 1899, an interview purporting to be with Mr. Schurman, said to be authentic, never disputed except in this letter, which does not dispute the interview, but undertakes to dispute my statement that they undertook to bribe the insurgents:

It is stated on authority that the Schurman Peace Commission offered every possible inducement short of absolute self-government to Aguinaldo and his followers. Aguinaldo was promised as the price of the restoration of peace in the Tagalo tribe a bonus of more than \$5,000 a year while the Tagalos remained peaceful. He was told that he could choose men from his tribe for the minor municipal offices.

The commission, it is asserted, went so far as to promise Aguinaldo the moral support of the United States Government, if such were needed, to make his leadership of the Tagalos thoroughly secure.

With all these inducements, tempting as they must have been, Aguinaldo, as the recognized head of the insurgent movement, declined to yield. He insisted upon immediate self-government, and, as his insistence was so firm as to make an agreement impossible, the American commissioners ceased negotiations.

I quote from an editorial in the Chicago Tribune of September 21:

President Schurman says Aguinaldo rejected with scorn an offer to take a salary of \$5,000 and become governor of Tagals.

I seems to me it is clearly proved that they did undertake to bribe the insurgents. Further, we all know they offered, and the offer is still open, \$30 a gun for every arm they will surrender.

Now, I am going to read from the only continuous, consecutive, and truthful, so far as I can ascertain, statement of affairs in the Philippines that has been published, and that is, the statement by Aguinaldo, giving a history of the Philippine revolt from its beginning up to last fall. It is the only consecutive statement we have. The Administration refuses to furnish one; has concealed the information, and has refused to send to us the facts which are in its possession. So far they have been unable to impeach this statement in any material particular, and it has been corroborated in very many particulars. Aguinaldo says that the flag of the Philippine republic was saluted.

Ah! what a beautiful, inspiring, joyous sight that flag was, fluttering in the breeze from the topmasts of our vessels, side by side, as it were, with the ensigns of other and greater nations, among whose mighty war ships our little cruisers passed to and fro dipping their colors, the ensign of liberty and independence!

Admiral Dewey said his reply to the French and German admirals was—with his knowledge and consent the Filipinos used that flag, and, apart from this, he was of opinion that in view of the courage and steadfastness of purpose displayed in the war against the Spaniards the Filipinos deserved the right to use their flag.

I am going to ask to place in the RECORD as a part of my remarks, without reading, the report of Robert M. Collins, of the Associated Press, in which he makes a statement in detail in response to the Associated Press managers of this country, with regard to the suppression of news and the total unreliability of Mr. Otis in his statements during the summer of 1899, last year. I will read the protest of the Manila correspondents, presented to Otis July 9 and cabled from Hongkong July 17, 1899.

The undersigned, being all staff correspondents of American newspapers stationed at Manila, unite in the following statement: We believe that owing

to official dispatches from Manila made public in Washington the people of the United States have not received a correct impression of the situation in the Philippines, but that these dispatches have presented an ultra optimistic view that is not shared by the general officers in the field.

We believe the dispatches incorrectly represent the existing conditions among the Philippines in respect to dissension and demoralization resulting from the American campaign and to the brigand character of their army.

We believe the dispatches err in the declaration that "The situation is well in hand," and in the assumption that the insurrection can be speedily ended without a greatly increased force.

We think the tenacity of the Filipino purpose has been underestimated, and that the statements are unfounded that volunteers are willing to enlist in further service.

The censorship has compelled us to participate in this misrepresentation by existing or altering uncontroverted statements of facts on the plea, as General Otis stated, that "they would alarm the people at home," or "have the people of the United States by the ears."

Specifications: Prohibition of hospital reports; suppression of full reports of field operations in the event of failure; numbers of heat prostrations in the field; systematic minimization of naval operations, and suppression of complete reports of the situation.

ROBERT M. COLLINS,
JOHN P. DUNNING,
L. JONES,

The Associated Press.

JOHN T. MCCUTCHEON,
HARRY ARMSTRONG,

Chicago Record.

OSCAR K. DAVIS,
P. G. McDONNELL,

New York Sun.

JOHN F. BASS,
WILL DINWIDDIE,

New York Herald.

E. D. KEANE,
Scripps-McRae Association.

RICHARD LITTLE,
Chicago Tribune.

The Associated Press thereupon wrote to their correspondent in the Philippines to ascertain the truth of this statement, and Mr. Collins makes a reply which I ask to have printed in the RECORD. I will read an extract from it:

The censorship enforced during the war and before the beginning of it was, according to newspaper men who had worked in Japan, Turkey, Greece, Egypt, and Russia in war times, and in Cuba under the Weyler régime and during our war, so much more stringent than any hitherto attempted that we were astonished that the American authorities should countenance it, and were confident that public opinion would be overwhelmingly against it if its methods and purposes became known.

Here, then, was a censorship of the press more thorough than that practiced by any despotic nation in the world, according to these newspapers correspondents, and yet we are asked to believe everything that Mr. Otis says:

But when General Otis came down in the frank admission that it was not intended so much to prevent the newspapers from giving information and assistance to the enemy (the legitimate function, and, according to our view, the only legitimate one of a censorship), but to keep the knowledge of conditions here from the public at home, and when the censor had repeatedly told us, in ruling out plain statements of undisputed facts, "My instructions are to let nothing go that can hurt the Administration," we concluded that protest was justifiable.

In this way the entire American press was made the personal organ of Otis. We were compelled to send nothing but the official view of all events and conditions, even when the official view controverted the opinions of the great mass of the officers in the field and of intelligent residents and was a falsification of events which passed before our eyes. In this way every fight became a glorious American victory, even though everyone in the army knew it to have been substantially a failure, and we were drilled into writing quite mechanically wholly ridiculous estimates of the number of Filipinos killed, knowing that if we wrote any other description than the sort being telegraphed to the War Department our work would be wasted.

For this sort of work Mr. Otis is to be promoted. I will not read more of this report, but I desire, as I said before, to have it printed as a part of my remarks.

The matter referred to is as follows:

WORKINGS OF OTIS'S CENSORSHIP.

The following is the letter to the general manager of the Associated Press from the correspondent in the Philippines, called forth by a request for an explanation of his reason for signing the protest of the correspondents against the censorship. It was written for the information of the general manager of the Associated Press:

MANILA, P. I., July 30, 1899.

MELVILLE E. STONE, Esq.,

General Manager the Associated Press, Chicago, U. S. A.

MY DEAR MR. STONE: Your request for a detailed record of all circumstances leading to the statement cabled to the newspapers by all the correspondents in Manila is just received. In the beginning, it should be explained that the correspondents had the question of taking some united action to secure the right to send the facts about the war, or, failing in that, to explain to our papers and the public why we were not telling the facts two months before the cablegram was released.

The censorship enforced during the war and before the beginning of it was, according to newspaper men who had worked in Japan, Turkey, Greece, Egypt, and Russia in war times, and in Cuba under the Weyler régime and during our war, so much more stringent than any hitherto attempted that we were astonished that the American authorities should countenance it, and were confident that public opinion would be overwhelmingly against it if its methods and purposes became known.

For a long time we submitted to the censorship because of appeal to our patriotism and a feeling that we might be accused of a lack thereof if we made any trouble for the American authorities here.

But when General Otis came down in the frank admission that it was not intended so much to prevent the newspapers from giving information and

assistance to the enemy (the legitimate function and, according to our view, the only legitimate one of a censorship), but to keep the knowledge of conditions here from the public at home; and when the censor had repeatedly told us, in ruling out plain statements of undisputed facts, "My instructions are to let nothing go that can hurt the Administration," we concluded that protest was justifiable.

Otis had gained the idea from the long submission by newspaper men to his dictation that it was a part of the Governor-General to direct the newspaper correspondents as he did his officers. Much of the censorship was conducted by him personally, the censor sending a correspondent to the General with any dispatch about which he had doubts. The process of passing a message was identical with the correction of a composition by a schoolmaster. Otis or the censor striking out what displeased him and inserting what he thought should be said, or, what came to the same thing, telling the correspondent he must say certain things if his story was to go.

In this way the entire American press was made the personal organ of Otis; we were compelled to send nothing but the official view of all events and conditions, even when the official view controverted the opinions of the great mass of the officers in the field and of intelligent residents and was a falsification of events which passed before our eyes. In this way every fight became a glorious American victory, even though everyone in the army knew it to have been substantially a failure, and we were drilled into writing quite mechanically wholly ridiculous estimates of the numbers of Filipinos killed, knowing that if we wrote any other description than the sort being telegraphed to the War Department our work would be wasted.

Repeated appeals made by all the correspondents to their papers to secure change in censorship methods had been fruitless, and as conditions steadily grew worse and failure was piled upon failure while we were sending rose-colored pictures of successful war and inhabitants flocking to the American standard, the repeated suggestions of correspondents that "we must do something" resulted in a formal meeting.

All were agreed that their work was being made a farce; the papers were wasting money in keeping them there, that Otis might as well detail some of his own clerks to do the work. Each had his own idea of what should be done. I proposed they protest to the President against the censorship, with the request that all matter should be passed except military movements which would assist the enemy, and I thought it had better be signed by the names of the organizations and papers represented than by our names, because their display might be construed into a desire for personal advertisement. The others thought we should send a statement of the conditions, with an explanation to the public why our reports had been so misleading.

On comparing notes we found that we had among us learned the views of all the American generals and most of the other prominent men in Manila whose opinions were worth consideration, and that there was a practical unanimity of opinions of the situation. The dispatch prepared was an epitome of those opinions. These men had told us continually that our reports were misleading the people at home, and that it was our duty to tell them how affairs were going; indeed, the pressure upon us to "tell the truth" from Army officers of high rank and men of all classes has been something tremendous, and we have been accused of cowardice and all sorts of things.

Before taking any steps we concluded to talk with Otis, and he made vague promises of greater liberality in the censorship, as he had done before, and assured us, as he had done times innumerable since the beginning of the war, that the insurrection was on the verge of collapse; that he was about to administer the final blow, and that he knew these things from invaluable private sources, which would be absolutely convincing if he was at liberty to reveal them to us.

Then followed a month of history repeating itself. Before the movement of Antipolo, Tappay, and Morong we were told that it must inevitably result in the capture and destruction of Pilar's army of 2,000 or 3,000 men; then the same predictions were made of the movement to the south of Cavite Province; next, the collapse was about to come through the surrender of General Trias, who would bring over his army.

About the middle of June I wrote a conservative review to the effect that everyone here was convinced that it would be impossible to end the war during the rainy season and for some time thereafter, unless heavy reinforcements were sent.

The censor's comment (I made note of it) was: "Of course we all know that we are in a terrible mess out here, but we do not want the people to get excited about it. If you fellows will only keep quiet now, we will pull through in time without any fuss at home."

He took the story to General Otis, who said: "Tell Collins that if he will hold that for a week or ten days, he will thank me for not letting him send it," and when I went to see him repeated the same old story about the insurrection going to pieces, and hinted so portentously about having wonderful things up his sleeve that I almost believed him in the face of past experiences of the same sort. The other men had practically the same experience, each one trying to get through a story of how matters stood at the beginning of the rainy season, then on.

So, after waiting a month for the General's predictions to materialize, we decided to send the statement we had framed without changing it, as the conditions had not changed since it was written. Its form was not what I wanted, because I thought a correspondent of the Associated Press should not assume to give his own views upon any question; but, on the other hand, it was that or nothing. The views were not our personal views, but the views of Lawton, MacArthur, Funston, Wheaton, et al., and we could not be accused of prejudice against the Administration, because the strongest Administration organ in the country was committed to the plan; and, moreover, the attempt to hold the newspapers by the throat was so unusual that unusual action seemed to be justified and demanded.

As a matter of form, we took the message to the censor. His comment was practically the same that he had made on my message. He did not question the accuracy of the statement of conditions, but said: "This is just the sort of matter the censorship is intended to suppress." He, of course, took it to Otis, who in turn sent a messenger requesting Davis, of the New York Sun, to go and see him, doubtless thinking that as he had treated the Sun as his organ, and its correspondents being under obligations to him for special favors, he could work them to give up the plan. Thompson said he (Thompson) thought Collins and McCutcheon should go also, as their views had always been conservative, etc. A committee was chosen—Davis, McCutcheon, Bass, and I.

When we were ushered into Otis's room he said with some anger: "Gentlemen, you have served an extraordinary paper upon me. You accuse me of falsehood. This constitutes a conspiracy against the Government. I will have you tried by a general court-martial and let you choose the judges." We knew from experience with threats to "Put you off the island" that there was nothing to be frightened about, and also knew that all the officers who would be on a court-martial would know we told the truth.

Three hours of exceedingly plain talk followed. The general did not contradict our statements that the purpose of the censorship was to keep the facts from the public, but said that what we wanted was to have the people stirred up and make sensations for the papers. We told him that there had never been any subject furnishing more good material for sensations than

this war, and that he should be exceedingly grateful to the papers for handling it so temperately.

In that connection we reminded him that the stories of looting in soldiers' letters home had been little, if any, exaggerated. Davis and Bass told him they had personally seen our soldiers bayoneting the wounded, and I reminded him that the cutting off of the ears of two American soldiers at Dasmariñas had been merely retaliation for similar mutilations of dead Filipinos by the Americans. (No one could possibly tell stronger stories of the looting and blackmailing by our soldiers than Otis has told, although he charges it all to the volunteers.)

We told him that we had refrained from sending these things and others of similar nature because we did not wish to make sensations. We told him that the censorship was purely for the purpose of giving the impression at home that everything was lovely here, otherwise he would suppress the local papers, which print all sorts of clippings from the American papers, denouncing the Administration, and which keep the enemy posted on the position of every company in our Army and even give advance notice of intended movements.

Dealing with the specifications, we said that the hospital officers refused to give us any information as to the number of sick, on the ground that he had instructed them to withhold such facts from the papers; also that he had reported to Washington a percentage of 7½ sick when the surgeons agreed that from 20 to 30 per cent of the command was sick; that not more than 10 per cent of some regiments were fit for duty, and that the hospital force was entirely inadequate, as well as the hospital room, so that they were compelled to discharge hundreds of men who were really sick to make room for more urgent cases.

His reply was that the hospitals were full of perfectly well men who were shirking and should be turned out. To send home figures of the numbers in hospitals would be entirely misleading.

We reminded him that while he had been reporting to Washington that "the volunteers will render willing service until relieved," the same volunteers were sending regimental petitions to the governors of their States to use every influence to secure their recall; that some regiments had petitioned him to relieve them from duty; that the members of various regiments had at certain stages of the war been in a frame of mind closely resembling mutiny; that the members of the Third Artillery, who had enlisted for the war with Spain, had threatened to stack their guns on the 4th of July unless discharged.

In the matter of prejudice against the Navy, it was stated on the part of the correspondents that all were compelled to change their accounts of the taking of Iloilo to make it appear that the Army had done the work with immaterial assistance from the war ships, and that only a few houses were burned. The unquestioned facts, told in the original stories, were that the soldiers did not land until three hours after the marines had raised the flag and chased the insurgents out.

General Otis explained that the Navy was so anxious for glory that it disobeyed instructions by landing before the proper time, etc., although the correspondents would not have been permitted to send that explanation had they known it, and were forced to give an entirely false account of what occurred. The fact is questioned by no one that almost all of the business quarter and much of the other sections were burned.

I reminded him that two stories by Dunning describing the work of the Navy in patrolling the coast and taking prizes were "killed" without reason, and the others agreed that the entire attitude of the censorship toward the Navy has been one of prejudice and discrimination. There seemed to be a childish fear that the Navy would get some advertising. The censor and Otis himself always made us refer to the gunboats operated by Captain Grant as "Army gunboats," in their eagerness to keep the Navy from getting any credit not its due.

Regarding the suppression of the reports of field operations which were failures, we told the General that the whole purpose of most of the important movements, beginning with the advance from La Loma Church in March, had been to round up and capture or force the surrender of various divisions of the Filipino army; that all of them had failed to accomplish this, yet we had been obliged to represent that Otis was accomplishing just what he intended and winning a series of glorious successes and administering no end of final crushing blows.

Otis is a hard man to argue with or to pin down to any definite proposition, and his explanation of the failure of Hall's expedition the first week in June was characteristic. He said: "But how could we capture them when they were not there? They all got out the night before we started, and there were not 2,000 we found, but only 600."

We rehearsed in detail the objections to the censorship, which I have outlined in the beginning of this letter. There was no question of the fact that he had not allowed us to send full reports of the conditions here unless those reports were reflections of his own views. We asked that when there were different views held by people whose opinions were worthy of consideration we should be allowed to explain the various views and phases of the question, instead of echoing his opinions as though they were rock-ribbed and unimpeachable facts.

Davis said: "When I returned to Manila, I asked what I would be permitted to send, and you told me all facts, news about military operations not helpful to the enemy, and my opinions as opinions." All of the committee agreed that the fulfillment of that rule would be satisfactory, and I disclaimed any desire to send my personal opinions for the Associated Press. General Bates was present throughout the interview. At the close General Otis turned to him and asked, "What would you do with these gentlemen, General?"

Bates promptly replied: "I would do what I said."

"Court-martial them?" Otis asked.

"No, let them send what you promised, the facts, and opinions as opinions," Bates said.

The next morning Otis sent for Davis and tried to talk him over. Among other things he complained that he did not clearly understand what we wanted. Wishing to give him a chance to establish a reasonable censorship, we sent another committee with a written request that we be allowed to send all facts not useful to the enemy and describe the different views of the situation when it was open to differences of opinion. The committee thrashed over the same ground several hours, and the result was a statement in effect that we might send anything which in his opinion was "not prejudicial to the interests of the United States."

That did not change our position in the least, because he had always construed as damaging to the Government any story tending to carry the smallest inference that his acts and policies were not entirely successful and indorsed by the whole army. He also appointed a new censor, although we had told him that would not be the slightest relief unless the system was changed, and he promised to keep the censor fully posted on all events, an arrangement which he has not carried into execution.

There were two or three days of improvement and greater liberality in the censorship; then it dropped into the old rut. One of our complaints had been that Otis himself was practically the censor; that whenever we presented stories which the censor had doubts concerning the policy of, or dealing with matters he was ignorant of, he would send us to Otis, and we often

wasted hours waiting in an anteroom and then perhaps were unable to secure an audience. We asked him to give the censor exclusive jurisdiction in the field and keep him posted on all events, giving him access to official reports from the front. This he declared would be impossible. Therefore we sent the telegram.

General Otis had complained of the language as an accusation of deliberate falsehood. We assured him we had no intention of conveying the idea that he had reported to Washington anything he did not believe to be true, and we softened the language to avoid the possibility of any such construction. He also said that the War Department had made public only the more optimistic of his reports, and we amended the dispatch to make plain that we referred only to those reports which the Department had given out. I inclose a copy of the original version.

We were entirely ignorant when we sent the message that something like an agitation against the policy in the Philippines was then afoot in America. So far as I can learn our action met the entire approval of everyone in Manila except Otis and the members of his personal staff who would feel bound to support him under any conditions.

The position of the newspaper correspondents here is, as it has been from the beginning, most difficult.

Otis had closed to us every possible source of information. Only yesterday when I attempted to send a report of the bombardment of Paete, the truthfulness of which was unquestioned, he immediately sent for Lawton, and demanded to know how it had been made public, and told Lawton to jump on the members of his staff.

Such strict orders against talking to newspaper men have been repeatedly issued that when we go about headquarters the officers avoid us as though we had smallpox, because they are afraid to be seen talking with us. Otis refuses to give us passes to go about the city after the closing hour (8.30) although such passes are given to the reporters on local papers and to business men of all nationalities, even Filipinos. All of the privileges extended to newspaper men in Cuba, like the privilege of the Government telegraph wires and access to telegrams from the front which are not of a confidential nature, are denied us. It is impossible to maintain any system of correspondence from Iloilo and the other islands except by mail, as the officials in those places, under orders from headquarters, exercise a censorship practically prohibitive over the cable.

Instances of the suppression of news to prove that the sole intent of the authorities is to suppress accounts of the real situation here could be multiplied if it was necessary, but the repeated assertions of the censor that he was instructed to permit nothing to go of a political nature—nothing that could reflect upon the Army or "create a bad impression at home"—leaves no doubt on that point. Such items as courts-martial have been ruled out, with the explanation: "I am here to protect the honor of the Army."

Recently I filed what I thought a most inoffensive statement that the business men who had appeared before the commission had advocated the retention of the existing silver system of currency. The censor said: "I ought not to let that go. That would be a lift for Bryan. My instructions are to shut off everything that could hurt McKinley's Administration. That is free silver." I explained that the silver system here was not 16 to 1, and with seeming reluctance he O. K'd the item.

The charge that we cared for nothing but to make sensations for our papers is most unjust, for I doubt if ever a body of newspaper men were more conservative in the presence of unlimited provocation for sensationalism. There have been three or four instances which I now recall of conduct by our soldiers resembling the episode of the Seventy-first New York in Cuba, which were matters of common knowledge here, and which none of us has attempted to cable nor desired to.

There has been, according to Otis himself and the personal knowledge of everyone here, a perfect orgy of looting and wanton destruction of property and most outrageous blackmailing of the natives and Chinamen in Manila, and various incidents like the shooting down of several Filipinos for attempting to run from arrest at a cock fight, not to mention courts-martial of officers for cowardice, and the dismissal of General — for getting hopelessly drunk on the eve of two important battles—all of which the correspondents have left untouched by common consent.

Also, there are the usual number of Army scandals and intrigues which we have not aired, foremost among them the fact—it is universally considered a fact in the Army—that Otis is deeply prejudiced against and jealous of Lawton, and has done everything in his power to keep Lawton in the background and prevent him from making a reputation.

As a correspondent of the Associated Press, I am supposed to have no opinion, but in writing of events like this war one must necessarily, to convey any idea of the trend of affairs, go somewhat into the field of description of conditions, etc., which are in the final analysis matters of opinion. In doing so I have endeavored merely to reflect the views of the great majority of well-informed people. Whether I have done so correctly you can easily judge by referring to the stories I sent "via Hongkong" soon after my arrival and afterwards (one on the 7th of April saying that notwithstanding the optimistic official view the war was likely to be a long one and that 100,000 men would be needed to end it). You will notice also that the tone of the Hongkong dispatches was decidedly different from those sent from Manila direct. The only time General Otis has given us any freedom was during his row with Schurman over the peace negotiations, when (by insinuation and those attempted diplomatic methods which public men seem to think newspaper men do not see through) he was encouraging us to roast Schurman and take his side.

The secret of the whole trouble here is that the Government has left a small man to deal with the most delicate problems, requiring broad statesmanship. Everyone agrees that Otis is honest, and that counts for much in a position affording such chances for dishonesty, but everybody agrees also, with most remarkable unanimity, that he has bungled affairs from the beginning; that the war might have been avoided by tact, and might have been ended before now by some other plan of campaign than slashing aimlessly about, taking a town to-day, deserting it to-morrow, retaking it the next week—and by diplomacy.

The Hongkong press, which has always championed the American side of the Philippine question, reflects the feeling of most people here in an editorial beginning: "It is not difficult to imagine the disgust and indignation that would be felt and expressed in the United States when once the country awoke to the real condition of affairs in the Philippines. There has been mismanagement of the grossest description."

I wish the etiquette of officialdom might permit Dewey and Schurman to speak to McKinley and the public concerning Otis as freely as they have to newspaper men. Those two are the only men of the caliber of statesmen the Government has sent here, and Schurman has the college professor's weakness of believing that all other men, including Malays, were as sincere in what they said as himself.

Otis is a bureaucrat who never leaves his desk, has never seen his soldiers in the field, and insists upon managing both the civil and military branches of the government, although either one would fully occupy an able man, because he trusts no one but himself, and withal has a faculty for antagonizing everyone with whom he has to deal, as he has antagonized the newspaper men.

Very truly, yours,

ROBERT M. COLLINS.

Mr. PETTIGREW. Mr. President, we have before us a bill to continue the authority which the President has been heretofore exercising until the revolt in the Philippines is suppressed:

A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil, and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons, and shall be exercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

And this, after a six months' session of Congress, is all that the Administration offers in this connection. We are told that when all resistance is suppressed the President is to govern the Philippine Islands as an emperor (without restraint, without advice, absolute despotic power enforced by an army) would govern his empire. We are asked to vest in him authority greater than that enjoyed to-day by any other person ruling over any other people on the face of the globe. Yet, while this bill when it was introduced was undoubtedly the policy of the Administration, it appears that it has now been abandoned, and the intention is that Congress shall adjourn and that nothing will be done. I read in the morning paper what purports to be an interview sent back from Manila by Judge Taft, of the new peace commission which we have sent to the Orient. He says:

I am surprised that Manila has not received news regarding the Spooner bill, a measure calculated to help us greatly in our work here.

In other words, when Mr. Taft sailed for the Philippines the programme evidently was to pass the Spooner bill and make him the civil governor, or rather the despot, of the Philippine Islands, with all power in his hands; and he is surprised that the news has not reached Manila of the Spooner bill. Why? Because the Administration has changed its policy and there is no purpose or intention on the part of the party in power to pass this measure.

It is said that we are encouraging the Filipinos by discussing this question. Mr. President, I hope my voice will never be raised except in encouragement of every aggregation of people throughout the world of every race who are struggling for independence, I care not what color or where they live, who are striving to establish a government based upon the principles of our Constitution and our Declaration of Independence.

Mr. President, I offered the following amendment as a substitute for the bill introduced by the Senator from Wisconsin, which I present as embodying what I think ought to be done in this connection:

That all hostile demonstrations on the part of the armed forces of the United States in the Philippine Islands shall at once cease, and that we offer to the people of said islands self-government based upon the principles of our Constitution and the Declaration of Independence, and that negotiation on this basis be at once opened with the existing native government for a settlement of all differences, with a view to the speedy withdrawal of our armed forces, and that full authority is vested in the President of the United States to carry out the provisions of this act.

I propose that we shall cease all armed hostile demonstration against the people of those islands, that we shall negotiate with them and at once to set up a government patterned after our own, after the Declaration of Independence and the Constitution of the United States.

It is said on the part of the imperialists in this body that by advocating this course we are giving aid, comfort, and encouragement to the enemies of our country. This I deny. Mr. President, the people of the Philippines are not the enemies of my country. What have they done to us that we can charge them with being the enemies of the people of the United States? They joined us in a contest to drive Spain from the Philippine Islands. They were our allies and fought by our side. They took 9,000 Spanish prisoners. They laid down their lives in great numbers in order to fight a common foe. They captured the entire Spanish garrisons in the Philippine Islands, except in the city of Manila, and invested that so that the Spaniards were unable to escape. What have they done to us? Nothing but resist aggression, nothing but combat our forces attacking them and undertaking to destroy their liberties. If we would cease hostile demonstration against the people of the Philippines, do you think they would attack us? Do you believe for one moment there would be any difficulty in establishing the most cordial and friendly relations? Why should we go on with this war of conquest?

Have we any other title to these islands than conquest? It is true that our opponents dispute upon that question. Some of them say that we acquired title by purchase. I think that is the view of the Administration; I think that was the view of the Senator from Wisconsin; but others who undertake to justify this course of aggression claim that we acquired title by conquest.

Mr. FAIRBANKS. Will the Senator from South Dakota permit me to interrupt him? I think he misunderstood the position of the Senator from Wisconsin. He expressly denied that the Government acquired the Philippines by purchase.

Mr. PETTIGREW. Does he contend that we acquired them by conquest?

Mr. FAIRBANKS. That is as I understand the Senator's position; at least, he disclaimed the proposition that we acquired them by purchase.

Mr. PETTIGREW. I think he was perfectly right in disclaiming the proposition that we acquired them by purchase; and if that is the case, and I presume the Senator from Indiana is right, I accept the correction. I will read from Kent's Commentaries, volume 1, page 177:

With respect to the cession of places or territories by a treaty of peace, though the treaty operates from the making of it, it is a principle of public law that the national character of the place agreed to be surrendered by treaty continues as it was under the character of the ceding country until it be actually transferred. Full sovereignty can not be held to have passed by the mere words of the treaty without actual delivery. To complete the right of property, the right to the thing and the possession of the thing must be united. This is a necessary principle in the law of property in all systems of jurisprudence. * * * This general law of property applies to the right of territory no less than to other rights.

I read also from a treatise on international law, by Mr. Baker, published recently in Boston by Little, Brown & Co.:

In modern times sales and transfers of national territory to another power can only be made by treaty or some solemn act of the sovereign authority of the state. And such transfers of territory do not include the allegiance of its inhabitants without their consent, express or implied.

At page 355 the same author says:

The rule of public law with respect to the allegiance of the inhabitants of a conquered territory is, therefore, no longer to be interpreted as meaning that it is absolutely and unconditionally acquired by conquest, or transferred and handed over by treaty as a thing assignable by contract and without the assent of the subject.

On the contrary, the express or implied assent of the subject is now regarded as essential to a complete new allegiance.

What are the facts in regard to the Philippines? We could not purchase title unless they could deliver possession of the property purchased. The facts are simply these: When we decided to attack Spain, when Dewey was ordered to sail from Hongkong and to destroy the Spanish fleet, a rebellion was going on in the Philippine Islands. The inhabitants of those islands were trying to throw off the Spanish yoke. Knowing that at Singapore there was a man the most capable among the Filipinos who led a former revolt, our officers in the East induced this man to go back to Manila and organize the insurgent forces. Aguinaldo arrived on the 17th day of May, 1898. He immediately organized the insurgent forces. He purchased arms in Hongkong. Admiral Dewey furnished him with arms taken from the Spanish forces, and he attacked the Spanish garrisons all over the province of Cavite and secured arms from his prisoners. He pursued this course during the summer of 1898, until he had captured the entire island of Luzon except two Spanish garrisons, very small ones, and before winter he captured those. Dewey in his report says his progress was wonderful. He took 9,000 prisoners. After having captured the entire island he set up a government, which was a peaceful government, a government suitable to those people, a government which protected life and property throughout the entire area of that country. He also captured the southern islands, the island of Panay, of Cebu, and Negros, and organized governments there.

He assembled an army of 30,000 men and surrounded Manila. His army was intrenched. He invested the city on the land side, while our Navy blockaded the port on the ocean side. We acted in absolute concert with each other, consulted together, and when Manila was finally taken our troops landed, asking the insurgents to give up about a quarter of a mile of their trenches. They marched out and allowed our troops to occupy a portion of their works. They believed that they were to act in concert with us in the attack upon Manila. When the attack was ordered, their troops marched into the city along with ours. They took the principal suburbs of Manila. We took and occupied the walled city. When they came to the walled city, which contained less than one-fifth of the population of the city of Manila, they found our bayonets turned against them. They were told that they could not enter. They had lost thousands of lives in their contest with Spain. They were in possession of that entire country, and yet, although in the assault upon the city of Manila they had lost more men than we did, they were denied admittance to the city, and they yielded and occupied the suburbs for some time.

Finally we requested that they retire from the suburbs, and they retired. Aguinaldo asked that he might be permitted to retire slowly, as it was difficult to govern his people and convince them that it was right that they should surrender possession of territory which they had conquered and for which many of their comrades had laid down their lives. He also asked that in case we made a treaty with Spain the territory which he had conquered should be restored to him, and this we refused. So we did not conquer the islands from Spain, for Spain had been conquered and driven out by the government of Aguinaldo. We had simply helped to take the city of Manila. Therefore we took no title by conquest from

Spain, for at the time of making the treaty with Spain we had not conquered any territory from her.

We did not acquire title by purchase, because title by purchase requires delivery of possession; and as Spain was not in possession, she could not and did not deliver the islands to us. By what right, then, are we there? By no right in morals or law; by no right that can be defended before God or man. We are there as conquerors, we are there as the armed banditti would enter your premises in daytime, and we have no better right to be there than the bandit has to enter and despoil your home.

If our title is by conquest, then it is as yet incomplete. If our title is by conquest, we did not acquire it from Spain, and it is nearly two years since the war with Spain ceased, and yet the conquest is in progress.

In October he was again asked to give up more territory. He was again asked to retire his troops beyond not only the city of Manila, but the adjoining towns. Then he called the attention of General Otis to the fact that the towns which Otis desired him to surrender were not a part of Manila—you will find it on pages 20 and 21 of General Otis's report. General Otis said, "You are right; the territory which I now demand I can not find as embraced in the city of Manila or its suburbs; but," he said, "that makes no difference; I insist upon the possession of the territory anyway." So our lines were pushed out constantly, creating irritation and bad feeling.

Finally Dewey seized the ships of the Filipinos in the harbor. Was not that an act of war? Why talk longer about who commenced the war in the Philippines, when in October we seized the vessels of our allies—and they were vessels of war—dismissed the men who manned them, took down the Filipino flag and removed it from the sea?

On the 24th of November Otis again wrote to Aguinaldo saying that he must retire beyond the village of Santa Mesa, and that if he did not he would attack him. On the 21st of December the President sent a proclamation to be published in the Philippines telling the inhabitants that the United States had assumed sovereignty over the islands—a proclamation which was a clear declaration of war—a declaration that we would extend our military control then existing in the city of Manila throughout the entire area of the group.

This proclamation was published in the Philippines on the 4th of January, 1899. Of what necessity, I say, Mr. President, is there for trying to ascertain who commenced the war, when it is demonstrated that we seized their ships in October, when we drove them beyond the territorial limits of the city of Manila, the only country we had occupied or had a right to occupy under the protocol with Spain, when we on the 4th day of February attacked their forces and fired the first and the second shot, and killed three of their people? I say of what use is it to try to contend that those people began the war. And after that, on the 5th day of February, the day after hostilities were inaugurated, Aguinaldo asked to have hostilities cease, and said that he had no notion of making an attack upon our people and had not done so. The reply was that, fighting having once commenced, it should go on to the grim end.

I say under these circumstances we are precluded from taking any other position than that we betrayed and attacked an ally; that we are now undertaking to conquer an unwilling people, and that the only honest and honorable course for us to pursue is to withdraw our armed forces and negotiate with the Filipinos for the establishment of a government.

To-day our army occupies a few towns. Out of the 1,100 villages in the Philippines having more than 2,000 people we occupy, according to the Army reports, less than one-fourth. We occupy to-day and hold possession simply of the territory upon which is planted the feet of our soldiers, and beyond the range of their guns we have no possession whatever. Those people are furnishing their own government and are pursuing the peaceful course of life described by the two officers of the Navy who traveled through the islands in the summer of 1898.

Mr. President, I am laboring under some difficulty, and will therefore finish my remarks to-morrow. I will yield the floor.

CLAIMS FOR PROPERTY TAKEN BY MILITARY FORCES.

Mr. TURLEY. I ask unanimous consent for the present consideration of the bill (H. R. 1136) for the relief of parties for property taken from them by military forces of the United States. The Secretary read the bill.

Mr. ALDRICH. That is too important a bill to be considered now.

Mr. WOLCOTT. Yes; I object.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

BATTLE MONUMENT IN NORTH CAROLINA.

Mr. BUTLER and others addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. BUTLER] had a bill which was nearly completed when 6 o'clock arrived. That Senator will be recognized.

Mr. BUTLER. The bill had been read, and we had just reached the amendment on the Committee on the Library.

Mr. ALDRICH. That bill was objected to just before the recess.

Mr. BUTLER. No; it was not.

Mr. WOLCOTT. I ask for the Calendar number.

Mr. BUTLER. It is the bill (S. 2270) appropriating \$10,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina.

Mr. WOLCOTT. I ask for the Calendar number.

Mr. ALDRICH. That is a bill to expend public funds upon a lot owned by the State of North Carolina, and I object to it.

Mr. WOLCOTT. I object.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

DISTRICT STREET RAILWAYS.

Mr. McMILLAN. I ask unanimous consent to call up the bill (H. R. 11650) relating to certain railway corporations owning or operating street railways in the District of Columbia.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that the Anacostia and Potomac River Railroad Company, the Brightwood Railway Company of the District of Columbia, the Capital Railway Company, the City and Suburban Railway Company, the Columbia Railway Company, the Georgetown and Tennallytown Railway Company, the Metropolitan Railroad Company of the District of Columbia, and the Washington and Great Falls Electric Railway Company may, under the authority of this act, and the Washington and Rockville Railway Company, the Washington, Woodside and Forest Glen Railway and Power Company, and the Washington and Glen Echo Railroad Company may also, if not inconsistent with the laws of Maryland, from time to time, by their respective boards of directors, enter into contracts with each other, or with any of the others, for the use of their respective roads or routes, or any part thereof.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA BISHOP.

Mr. MCENERY. I ask for the present consideration of the bill (H. R. 2323) for the relief of Joshua Bishop.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It refers to the Court of Claims the claim of Joshua Bishop for alleged items of pay due and unpaid to him for services as a lieutenant-commander, United States Navy, between the dates of September 13, 1867, and March 9, 1871.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMS AND EQUIPMENTS FOR MILITIA.

Mr. SEWELL. I ask leave to call up the bill (H. R. 9510) to amend section 1 of the act of Congress approved February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia."

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It amends and reenacts section 1 of the act referred to so as to read:

That the sum of \$1,000,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipment for issue to the militia.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISSUANCE OF BONDS IN TERRITORIES.

Mr. HEITFELD. I ask unanimous consent for the present consideration of the bill (S. 4075) to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, etc.

The PRESIDENT pro tempore. The bill has been read as in Committee of the Whole.

Mr. ALDRICH. Let it be read again for information.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, resumed its consideration.

The bill was reported from the Committee on Territories with an amendment, in line 10, page 2, after the word "given," to strike out the words "at least" and insert "not more than sixty nor less than;" so as to make the bill read:

Be it enacted, etc., That the act of Congress approved July 13, 1886, entitled "An act to prohibit the passage of local or special laws of the Territories of the United States, to limit Territorial indebtedness, and for other purposes," is hereby amended so as to permit, authorize, and legalize the issuance of bonds by chartered municipal corporations having a bona fide population of not less than 10,000 persons, in any Territory of the United States, for erecting a city building and purchasing the ground for the same. The limitations of said act of July 13, 1886, shall not apply to such municipal corporations: *Provided*, That before any bonds shall be issued the mayor and common council of such municipal corporation shall cause an election to be held in such city or town, and the mayor and common council of such municipal

corporation shall cause to be published in a newspaper of general circulation published in said city or town a notice of the time and place or places of holding such election.

Such notice shall be given not more than sixty nor less than thirty days before such election. On the question of the issuance of said bonds no person shall be qualified to vote except he be in all respects a qualified elector and owner of real or personal property subject to taxation within the municipality. In case two-thirds of the qualified voters, as above described, shall vote affirmatively for the issuance of said bonds, then the mayor and common council shall issue the same, and not otherwise. Said bonds shall contain all necessary provisions as to form, and such municipality shall provide a proper sinking fund for the redemption of said bonds. Said bonds shall not bear a rate of interest exceeding 5 per cent, and the interest shall be paid semi-annually, and none of said bonds shall be sold at less than their par value: *Provided further*, That no city under this act shall issue bonds in excess of \$30,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

L. O. MADDUX.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 880) for the relief of L. O. Maddux, doing business as Maddux, Hobart & Co.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to remit and release an assessment of \$29,593.85 assessed by the Commissioner of Internal Revenue on the November list of 1892 in the First collection district of Ohio against L. O. Maddux, doing business as Maddux, Hobart & Co., by reason of a deficiency aggregating 32,882.05 gallons of distilled spirits below the requirement of 80 per cent of the producing capacity of the distillery operated by said L. O. Maddux.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The Committee on Finance reported an amendment to strike out the preamble.

The amendment was agreed to.

PUBLIC BUILDING AT ANNISTON, ALA.

Mr. PETTUS. I ask for the consideration of House bill 11214.

Mr. WOLCOTT. Is there a Calendar number?

The PRESIDENT pro tempore. There is no Calendar number. The bill was reported this morning. It will be read for information.

Mr. ALDRICH. From what committee was it reported?

The PRESIDENT pro tempore. From the Committee on Public Buildings and Grounds.

The Secretary read the bill (H. R. 11214) to amend an act entitled "An act for the erection of a public building at Anniston, Ala.;" and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend the act by adding the following proviso:

"*Provided*, That the Secretary of the Treasury be, and he is hereby, authorized to proceed with the erection of the building at Anniston, Ala., in accordance with said act, upon cession of jurisdiction to the United States of the site of the proposed building in compliance with section 623, chapter 15, volume 1, of the civil code of Alabama of 1896, which reads as follows: 'The governor, upon application made to him in writing on behalf of the United States for that purpose, accompanied by the proper evidence of the purchase, describing the lands sought to be ceded, is authorized on the part of the State to cede to the United States jurisdiction over such lands, to hold, to use, and occupy the same for the purpose of the cession, and none other. The jurisdiction thus ceded does not prevent the execution on such lands of any process, civil or criminal, under the authority of this State, nor prevent the laws of this State from operating over such lands; saving to the United States security to their property within the limits of the jurisdiction ceded, and exemption of the same and of such lands from taxation under the authority of this State during the jurisdiction ceded.'"

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEAD ENTRIES BY EX-SOLDIERS.

Mr. HANSBROUGH. I ask for the consideration of the bill (H. R. 9140) providing that entrymen under the homestead laws who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes. I will state that the first section of this bill has been read.

Mr. WOLCOTT. Let it be read, Mr. President.

The Secretary read the bill.

Mr. WOLCOTT. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

SALES OF TIMBER FROM PUBLIC LANDS.

Mr. KYLE. I ask unanimous consent to call up the bill (H. R. 6063) to amend chapter 2 of the laws passed by the first session of the Fifty-fifth Congress of the United States, being an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1898, and for other purposes," approved June 4, 1897. It is a short bill.

The Secretary read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Forest Reservations and the Protection of Game with an amendment, on page 3, line 4, after the word "stumpage," to insert:

To any one person; and hereafter persons actually residing within or in the vicinity of any forest reservation may, without charge, under rules and regulations to be prescribed by the Secretary of the Interior, cut and remove from such reservation dead and down timber for their own use as firewood or for the improvement of their homes, mining claims, or farms.

So as to read:

Provided further, That he may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisement, timber and cord wood not exceeding in value \$100 stumpage to any one person; and hereafter persons actually residing within or in the vicinity of any forest reservation may, without charge, under rules and regulations to be prescribed by the Secretary of the Interior, cut and remove from such reservation dead and down timber for their own use as firewood or for the improvement of their homes, mining claims, or farms.

Mr. KYLE. I ask that the amendment may be rejected.

The amendment was rejected.

Mr. ALDRICH. From what committee does that bill come?

The PRESIDENT pro tempore. From the Committee on Forest Reservations and the Protection of Game.

Mr. ALDRICH. Is it a unanimous report?

Mr. KYLE. It is a House bill, with a unanimous report.

The bill was reported to the Senate without amendment.

Mr. WOLCOTT. I object to the further consideration of the bill. Let it go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. KYLE subsequently said: The Senator from Colorado [Mr. WOLCOTT] withdraws his objection to House bill No. 6063.

The Senate resumed the consideration of the bill.

The bill was ordered to a third reading, read the third time, and passed.

PROTESTANT EPISCOPAL CATHEDRAL FOUNDATION.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill (S. 3481) to permit certain burials of the dead in the lands of the Protestant Episcopal Cathedral Foundation of the District of Columbia, and for other purposes.

Mr. GALLINGER. I objected to that bill a few days ago, and must object now.

The PRESIDENT pro tempore. Objection is made, and the bill goes over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11212) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, recedes from its disagreement to the amendments of the Senate Nos. 138 and 183, upon which the committee were unable to agree; recedes from its disagreement to the amendments of the Senate Nos. 140 and 141 and agrees to the same with amendments; in which it requests the concurrence of the Senate; further insists upon its disagreement to certain other amendments upon which the committee of conference were unable to agree; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. McRAE managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House No. 4 to the bill (S. 2931) to incorporate the American Red Cross, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 11646) making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modification of provisions heretofore made, asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. BURTON, Mr. REEVES, and Mr. CATCHINGS managers at the conference on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of the bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

Mr. HALE. Before that is done, I ask that conference reports on the appropriation bills be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES, June 4, 1900.

Resolved, That the House recedes and agrees to amendments numbers 138 and 183 to the bill H. R. 11212, "An act making appropriations for sundry

civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes," recedes and concurs with amendments to amendments numbers 140 and 141, as follows: Line 5 of Senate amendment numbered 141, strike out "five hundred" and insert "two hundred and fifty." Insert at the end of line 5 the following: "The Mississippi River Commission is hereby directed to prepare, on or before December 1 next, a comprehensive plan for the construction of levees sufficient to restrain the flood waters of the Mississippi River from Cairo to the Gulf. With such plan shall be presented an estimate of the cost of completing such levees and of the probable cost of maintaining the same after completion. The said commission shall also report the comparative share of such work, or the cost thereof, which should be borne by the United States Government, and by the States, and by each of the levee districts, parishes, or counties bordering upon said river, separately stated. Such plan or report shall be presented to the Secretary of War and Chief of Engineers, to be by them transmitted to Congress with such further recommendations and modifications as they may deem proper."

And further insists on its disagreement to amendments numbered 2, 4, 9, 14, 15, 16, 17, 18, 19, 20, 22, 24, 27, 28, 33, 34, 73, 81, 82, 93, 96, 98, 101, 105, 106, 108, 109, 110, 113, 114, 115, 117, 120, 121, 122, 123, 124, 125, 134, 136, 139, 142, 143, 144, 145, 152, 153, 155, 156, 157, 158, 159, 168, 169, 176, and 179, and asks a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. McRAE be the managers of the conference on the part of the House.

Mr. ALLEN. Before this matter is acted upon, I should like to know what disposition has been made by the House of the ex-position appropriation for St. Louis and also of the appropriation for the memorial bridge? I do not know the numbers of those amendments, and therefore I can only speak of them generally. Has the Secretary read the entire report?

The PRESIDENT pro tempore. The Secretary has read the message from the House of Representatives.

Mr. ALLISON. I have understood, though I do not know positively, that the House considered the amendments in disagreement, and have adopted some of them. I shall be glad to have that portion of the message read, if it has not already been read.

Mr. ALLEN. No person can tell from the numbers, as a matter of course, what they refer to.

The PRESIDENT pro tempore. The only thing the Secretary has read is the message from the House of Representatives.

Mr. HALE. Let the report be read, then.

Mr. COCKRELL. The message specifies the numbers of the amendments that have been agreed to, and those that have been disagreed to.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. ALLISON] has the conference report.

Mr. ALLISON. I present the conference report.

The PRESIDENT pro tempore. The Senator from Iowa presents the conference report, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11212) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 21, 39, 40, 51, 65, 71, 72, 83, 88, 102, 163, 164, and 180.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, 8, 11, 13, 23, 25, 29, 30, 31, 32, 33, 34, 35, 37, 38, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 66, 67, 68, 70, 74, 76, 77, 78, 79, 80, 84, 85, 86, 87, 90, 91, 92, 94, 95, 99, 100, 103, 104, 107, 112, 116, 118, 119, 120, 127, 128, 129, 130, 131, 132, 133, 137, 146, 149, 151, 154, 160, 161, 162, 165, 166, 167, 170, 171, 172, 173, 174, 175, and 182, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: At the end of the last line of said amendment strike out the words "extended for one year" and insert in lieu thereof the following: "extended for such time as may be determined upon by the Secretary of the Treasury or until further action of Congress;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 4 of said amendment, before the word "five," insert the following: "provided that the same shall be made necessary by removal from present Government building;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Pollock Rip Shoals, Massachusetts: For an automatic towing machine for the lightship at a point north of the bell buoy, near the broken part of Pollock Rip Shoals, at the northeastern entrance of Nantucket Shoals, Massachusetts, \$5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and repairs and improvements to present buildings and grounds and the erection of a new oil house and lamp shop;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: At the end of the amended paragraph insert the following: "Of which amount not exceeding \$15,000 shall be used to change the characteristic of Cape Cod light, Massachusetts;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For new machinery and appliances for the United States mint building at Denver, Colo., \$25,000, and a contract is hereby authorized to be entered into for such machinery and appliances at a total cost of not exceeding \$150,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "\$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In line 1 of said amendment, before the word "For," insert the words "Maltby Building;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In line 11 of said amendment, after the word "number," insert the words "of whom not more than ten shall be of one political party;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Strike out lines 5 and 6 of said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"For constructing jetties and other works at South Pass, Mississippi River: To enable the Secretary of War to pay to the legal representatives of James B. Eads, deceased, the second moiety of the sum of \$1,000,000 retained by the United States under the act of March 3, 1875 (first section on page 465 of Eighteenth Statutes), to be paid, all or in part, on the expiration of twenty years' maintenance of the channel, \$500,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For pay of superintendent of Antietam battlefield, said superintendent to perform his duties under the discretion of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, \$1,200."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment, as follows: In line 1 of said amendment strike out the word "and," and in line 2, before the word "of," insert the words "and completion;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment, as follows: Omit all after the word "Acts" in line 13 of said amendment down to and including the word "party," in line 16. In line 17 strike out the words "report and digest" and insert in lieu thereof the words "reports and digests," and in line 25 strike out the words "seven hundred." And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the words "and leather parers;" and the Senate agree to the same.

On amendments numbered 2, 4, 9, 14, 15, 16, 17, 18, 19, 20, 22, 24, 27, 28, 36, 64, 73, 81, 82, 93, 96, 98, 101, 105, 106, 108, 109, 110, 113, 114, 115, 117, 120, 121, 123, 123, 124, 125, 134, 136, 138, 139, 140, 141, 142, 143, 144, 145, 152, 153, 155, 156, 157, 158, 159, 168, 169, 176, 177, 179, and 183 the committee of conference have been unable to agree.

W. B. ALLISON,
EUGENE HALE,
F. M. COCKRELL,

Managers on the part of the Senate.

J. G. CANNON,
W. H. MOODY,
THOS. C. McRAE,

Managers on the part of the House.

Mr. ALLEN. I understand that the appropriation for the St. Louis Exposition has been concurred in, and that the appropriation for the memorial bridge has been nonconcurred in.

Mr. ALLISON. There should be a message stating, or there should be papers stating, what amendments have been concurred in by the House.

Mr. ALLEN. They are only stated by number.

Mr. COCKRELL. Let the message be again read.

Mr. ALLISON. Let the message be again read, Mr. President.

Mr. ALLEN. But the amendments are only stated by numbers. That is the trouble. No man, outside of the members of the committee, knows what are the amendments referred to by numbers.

The PRESIDENT pro tempore. They are all stated in the message.

Mr. COCKRELL. Let it be again read, and then we can find out what the amendments are.

Mr. ALLISON. I ask that the message be again read.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the message from the House of Representatives.

Mr. ALLISON. Amendment No. 138 is the amendment relating to dredges at the Passes of the Mississippi River. The Senate amended the House provision by inserting "one or more" instead of "two." That is not a very important amendment. That has been concurred in by the House.

Then, as to amendment No. 183—

Mr. COCKRELL. That relates to the Louisiana Purchase Exposition.

Mr. ALLISON. Amendment No. 183, on page 164 of the bill, is the appropriation for the Louisiana Purchase Exposition. I understood there was another amendment of the Senate agreed to by the House with an amendment.

The PRESIDENT pro tempore. It will be again stated.

The Secretary read as follows:

Resolved, That the House recedes and agrees to amendments Nos. 138 and 183 to the bill H. R. 1212, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1901, and for other purposes," recedes and concurs with amendments to amendments numbered 140 and 141, as follows: Line 5 of Senate amendment numbered 141, strike out "five hundred" and insert "two hundred and fifty." Insert at the end of line 5, the following:

"The Mississippi River Commission is hereby directed to prepare, on or before December 1 next, a comprehensive plan for the construction of levees sufficient to restrain the flood waters of the Mississippi River from Cairo to

the Gulf. With such plan shall be presented an estimate of the cost of completing such levees and of the probable cost of maintaining the same after completion. The said commission shall also report the comparative share of such work, or the cost thereof, which should be borne by the United States Government and by the States, and by each of the levee districts, parishes, or counties bordering upon said river, separately stated. Such plan or report shall be presented to the Secretary of War and Chief of Engineers, to be by them transmitted to Congress with such further recommendations and modifications as they may deem proper."

Mr. ALLEN. What about the appropriation for the Missouri River?

Mr. ALLISON. The Missouri River appropriation is still in disagreement, as is also the Upper Mississippi River appropriation.

Mr. ALLEN. How about the Nebraska public building appropriation?

Mr. ALLISON. The Nebraska public building appropriation is in disagreement.

Mr. ALLEN. Everything, then, seems to be in disagreement excepting the appropriation for the Louisiana Purchase Exposition and the amendment which has just been read at the Secretary's desk? Those are the only amendments agreed to?

Mr. ALLISON. Those are the only amendments agreed to with amendments, but there are a great number of Senate amendments that have been agreed to.

Mr. THURSTON. What did I understand the Senator from Iowa to say has been done with the amendment for the Missouri River Commission?

Mr. ALLISON. That amendment is in disagreement.

Now, Mr. President, I ask that the report may be considered by the Senate. It has not yet been considered.

Mr. DANIEL. I beg to inquire of the Senator from Iowa is there anything in this report which involves the consideration of the memorial bridge between Washington and Arlington?

Mr. ALLISON. That is in disagreement. The House disagreed to the appropriation for the memorial bridge. The conferees would not agree to that appropriation, and afterwards, when presented to the House, a vote was taken on concurring, and it was voted down.

Mr. DANIEL. There is nothing in this report that involves the consideration of that?

Mr. ALLISON. There is nothing in this report which involves that. If Senators desire, I shall be glad to make a statement of what is in disagreement.

Mr. STEWART. I should like that very much.

Mr. ALLISON. I have a statement here in detail, but perhaps it is not necessary to mention all the matters in disagreement.

The first chief disagreement is in relation to the appropriation for light-houses. I had perhaps better state in detail the disagreements in that regard. There were some eight or ten amendments relating to light-houses, light stations, and light vessels put on by the Senate, including the relief light-house vessels, etc., amounting in all to some \$300,000. All of those were disagreed to by the House conferees, upon the ground that there was no specific legislation authorizing these expenditures, it being the contention of the House that they could not consent to any of these light-house appropriations unless a law should first be passed specifically authorizing the expenditure. That, the conferees stated, was under a rule of the House. We have no such rule in the Senate.

It has been the custom of the Senate Committee on Appropriations and the Committee on Commerce acting in unison to recommend such appropriations as were regarded as indispensable or necessary for the commercial service of the country. So the Senate conferees insisted that, whilst that might be a rule of the House, it did not in the slightest degree affect the independence of the Senate as respects this appropriation. So there is now in the bill as it stands in disagreement only the light-house appropriations found in the bill as it came to us from the House. All the appropriations placed upon the bill by the Senate, where there is no specific authority for light-houses or for light-house improvements, are still in disagreement.

I should be glad to have an expression of the Senate upon this subject, as it is a contention of the conferees on the part of the Senate that as to these appropriations there is no necessity for legislation, and it has never been regarded in the Senate as necessary to have specific legislation for this purpose. For example, there was recommended to us by the Light-House Board an expenditure of \$300,000 for a great number of lights in the Alaskan waters. The Senate Committee on Appropriations, instead of providing for \$300,000, recommended by the Senate in this bill the appropriation of \$150,000 for that purpose.

The House conferees rejected this appropriation entirely on the ground that there was no legislation authorizing it, although it is perfectly well known that there is a very large commerce in those Alaskan waters. I noticed in the newspapers only this evening that 139 vessels, I think, had already left San Francisco for Alaskan waters since the 1st day of May. There have been many wrecks in these waters and at other points along the Pacific coast. The officers of the Light-House Board came before the Senate Committee on Appropriations and gave us a list of lights

that were necessary upon the Atlantic and Pacific coasts and upon the Gulf coast. We inserted in our list only those lights that were regarded as indispensable by the Light-House Board, all of which have been thus far rejected by the House; first, by the House conferees, and, secondly, by a vote of the House itself, because there is no specific legislation authorizing them.

Mr. HALE. Let me ask the Senator a question. When boiled down, the proposition of the House is that it rejects the Senate amendments because the House rules do not allow them.

Mr. ALLISON. That boils it down absolutely. That is their statement.

Mr. HALE. That is their proposition, that they reject our amendments because the House rules will not allow them to be considered there.

Mr. LODGE. I should like to ask the Senator if that disagreement extends to the increase of the general appropriations for repairs, etc., to light-houses?

Mr. ALLISON. It does not. I think nearly all—perhaps not quite all—the increases made by the Senate amendments for the regular light-house service were acceded to by the House; but they were small increases. It may be that in other instances we may be obliged to recede.

Mr. LODGE. What I referred to was the general item for repairs, for which the Senate added \$15,000.

Mr. ALLISON. That was agreed to by the House.

Mr. FORAKER. I should like to ask the chairman of the committee if the objection to these appropriations was on the ground that they are not necessary?

Mr. ALLISON. The House conferees did not discuss this question with us. They say that under the rules of the House they do not include such appropriations unless specific legislation has been had authorizing the erection of the lights. That covers all the amendments down to and including amendment numbered 20.

Mr. SPOONER. Was that argument strongly presented?

Mr. ALLISON. Perhaps in rather stronger form in this conference than ever before; but I may say that the Senate conferees did not recognize the right of the House to thus control the independence of the Senate in making appropriations which we deemed to be essential for the commercial interests of our country.

The next item that may be of interest is the rejection on the part of the House conferees of the fish hatcheries in Idaho and Utah.

The Nevada claim—amendment numbered 81—is still in conference. The settlement of the Virginia and other claims is still in conference; the forest reserves, the survey of lands, etc., are still in conference. These are small items, and I will not enumerate them unless specially requested to do so.

As to various military posts for which the Senate made some amendments, they have been rejected by the House conferees. All the amendments originally disagreed to by the conferees are still rejected by the House, except the two amendments indicated, one of which is the agreement to amendment numbered 183, and the other is a modification of the Mississippi River improvement.

I move that the Senate agree to the conference report.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate still further insist—

Mr. ALLISON. No; I move that the Senate agree to the conference report. The Senate has not yet agreed to the conference report.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. DANIEL. Mr. President, I should like to understand the conference report.

Mr. ALLISON. I have stated the disagreements. All the other Senate amendments have been agreed to. If any Senator desires to ask about any particular amendment I shall be glad to make an explanation regarding it.

Mr. DANIEL. What is the recommendation of the conference report? It has not been stated what the conference report recommends.

Mr. ALLISON. The conference report discloses that all the Senate amendments have been agreed to except those which I have stated are still in disagreement.

Mr. DANIEL. Now, I wish to inquire, as a parliamentary question, if any motion is made that the Senate insist on its amendments and ask for any further conference?

Mr. ALLISON. Such a motion will be made as soon as the conference report is agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. BERRY. That agrees to the Mississippi River amendment?

Mr. ALLISON. No; it does not agree to it.

Now, Mr. President, the conference report having been agreed to, I move that the Senate still further insist upon its amendments disagreed to by the House of Representatives, and agree to the further conference asked for by the House; and that it also dis-

agree to the amendments made by the House to Senate amendments numbered 141 and 142.

The PRESIDENT pro tempore. The Senator from Iowa moves that the Senate still further insist upon its amendments disagreed to by the House of Representatives, disagree to the amendment of the House to amendments numbered 141 and 142, and agree to the further conference asked for by the House.

Mr. ALLEN. Mr. President, before that motion is put, and while this matter is before the Senate, so that it is entirely germane to the measure, I should like to ask the Senator to make a brief statement of the appropriations of this Congress thus far. Heretofore it has been customary for the chairman of the Committee on Appropriations to make a brief statement or schedule of appropriations, and I should like to have the Senator, either now or before Congress adjourns, to put in the RECORD the usual statement.

Mr. ALLISON. I shall be very glad to do that; but of course it can not be made up at present.

Mr. ALLEN. It can be made up before Congress adjourns and inserted in the RECORD.

Mr. ALLISON. Undoubtedly, including the Norfolk, Nebr., item, if we are able to get it through.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa [Mr. ALLISON], which has been stated.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. COCKRELL were appointed.

EMERGENCIES IN RIVER AND HARBOR WORKS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 11646) making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modification of provisions heretofore made, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McMILLAN. I move that the Senate insist upon its amendments disagreed to by the House of Representatives and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. McMILLAN, Mr. NELSON, and Mr. VEST were appointed.

AGREEMENT WITH CHEROKEE INDIANS.

Mr. JONES of Arkansas. I ask unanimous consent for the present consideration of House bill 11820. There are proposed amendments to the bill, and I ask that they be considered as the bill is read.

The PRESIDENT pro tempore. The bill will be read for information.

The Secretary read the bill (H. R. 11820) to ratify and confirm an agreement with the Cherokee tribe of Indians, and for other purposes.

Mr. STEWART. I have no objection to that bill being considered; but I have an amendment, and, if it be accepted, I shall be perfectly willing to let the bill pass. I will suggest the amendment. I do not know that I understand this subject fully; but I have seen so much trouble arising from legislation of this character that I want to properly safeguard it.

Mr. JONES of Arkansas. Mr. President, before the Senator offers the amendment, I hope he will let the bill be taken up by the Senate.

Mr. PLATT of Connecticut. What is before the Senate?

Mr. STEWART. I will not consent to taking up the bill unless I may be permitted to amend it. Otherwise I shall object to its consideration.

Mr. JONES of Arkansas. I have seen the amendment proposed by the Senator from Nevada, and I am fully satisfied that the amendment ought not to be adopted. If he chooses to prevent action on this important measure simply because he can not put two amendments in the bill which ought not to be put in and which are unjust in themselves, he can take the responsibility. That will settle the bill.

Mr. STEWART. I will take the responsibility.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. STEWART. I object.

The PRESIDENT pro tempore. The bill goes to the Calendar.

EIGHT-HOUR LAW.

Mr. ALLEN. I desire to enter a motion to discharge the committee having it in charge from the consideration of House bill 6852, and to place it on the Calendar.

Mr. HALE. What bill is that?

Mr. ALLEN. It is what is known as the eight-hour bill.

Mr. PLATT of Connecticut. That is not in accordance with the unanimous-consent agreement.

Mr. ALLEN. I desire to enter that motion at this time.

Mr. ALDRICH. You can not do that.

Mr. PLATT of Connecticut. I object to that.

Mr. ALLEN. Does the Senator from Rhode Island object to it?

Mr. ALDRICH. It is in violation of the unanimous-consent agreement.

Mr. ALLEN. Does the Senator from Rhode Island object to it?

Mr. ALDRICH. I do object. I object to anything which is contrary to the unanimous-consent agreement.

Mr. ALLEN. Let it be noted, then, that the Senator from Rhode Island objects.

Mr. ALDRICH. Of course it will be noted.

A. T. HENSLEY.

Mr. CULBERSON. I ask unanimous consent for the present consideration of House bill 2357. It is a short bill, which has passed the other House and been reported unanimously by the Committee on Claims of the Senate.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent for the present consideration of the bill named by him.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2357) for the relief of A. T. Hensley, survivor of Fulton & Hensley, doing business under the name of Lavaca Wharf Company.

It directs the Secretary of the Treasury to pay A. T. Hensley, late of Lavaca, Tex., survivor of Fulton & Hensley, doing business under the name of the Lavaca Wharf Company, \$5,389.86, being for services rendered by said company to the United States in landing troops, baggage, and supplies in the year 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT ST. PAUL.

Mr. NELSON. I ask unanimous consent to call up the bill (H. R. 9679) to authorize the construction of a railroad bridge across the Mississippi River at St. Paul, Minn.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PIPE LINE, FLAGSTAFF, ARIZ.

Mr. BERRY. I ask unanimous consent to call up the bill (H. R. 2916) to grant right of way over Government lands for a pipe line for the conveyance of water to Flagstaff, Ariz.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. KIRKMAN.

Mr. HAWLEY. I ask present consideration of the joint resolution (S. R. 129) authorizing the President to appoint George W. Kirkman to be a captain in the Twenty-third Regiment of the United States Infantry, and a major in the Forty-ninth Regiment of Infantry, United States Volunteers. It has no Calendar number. The joint resolution was reported this morning.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent for the present consideration of a joint resolution which will be read for information.

The Secretary read the joint resolution.

Mr. HAWLEY. It is a mitigation of a punishment.

Mr. COCKRELL. I move to strike out the words "and major in the Forty-ninth Regiment of Infantry, United States Volunteers."

Mr. HAWLEY. I may say that he is not going to hold that office long. The President is by this proposed act given the power of mitigation.

Mr. COCKRELL. We have never restored a volunteer—

Mr. HAWLEY. I will accept the amendment.

Mr. PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. WOLCOTT. What has been done with the amendment proposed by the Senator from Missouri?

The PRESIDENT pro tempore. The committee have reported certain amendments. If the Senator will wait until those have been stated, probably one of them will cover the point.

Mr. WARREN. It covers the point.

The bill had been reported from the Committee on Military Affairs with amendments, in line 3, after the word "restore," to insert the words "and appoint;" in line 4, after the word "previous," to strike out "rank" and insert "grade;" after the word "captain," in the same line, to strike out the words "in the Twenty-third Regiment, United States" and insert "of;" after the word "Infantry," in line 5, to strike out "and major;" in the same line

strike out "Forty-ninth Regiment of Infantry;" and in line 6, after the word "States," to strike out "Volunteers" and insert "Army."

Mr. COCKRELL. Now let the joint resolution be read as proposed to be amended.

The Secretary read as follows:

Resolved, etc. That the President is hereby authorized to restore and appoint George W. Kirkman to his previous grade as captain of infantry in the United States Army with the rank, pay, and allowances to which he would be entitled if the sentence of dismissal by court-martial in his case had not been imposed; subject to such suspension, fine, or other punishment as shall in his judgment be just for the offense of which said George W. Kirkman was found guilty by a court-martial on the 17th of March, 1900.

The PRESIDENT pro tempore. That covers the amendment of the Senator from Missouri.

The amendments were agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the President to appoint George W. Kirkman to be a captain of infantry, United States Army."

JOHN M. MARTIN.

Mr. TALIAFERRO. I ask unanimous consent for the present consideration of the bill (H. R. 3044) for the relief of John M. Martin, of Ocala, Fla.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to John M. Martin, of Ocala, Fla., \$212.53, being the amount of post-office funds lost by the failure of the bank in which they were deposited, the money having been paid and made good to the Government by Martin.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITE MOUNTAIN APACHE INDIAN RESERVATION.

Mr. BURROWS. I ask consideration for the bill (H. R. 10899) to restore to the public domain a small tract of the White Mountain Apache Indian Reservation, in the Territory of Arizona.

The PRESIDENT pro tempore. The Senator from Michigan asks unanimous consent for the present consideration of a bill which will be read for information.

The Secretary read the bill.

Mr. ALDRICH. I should like to have the bill explained before I consent. I can not tell what it is from the reading.

Mr. BURROWS. The Senator who is on the committee will explain it. It is recommended by the Interior Department.

Mr. THURSTON. I think I can explain the bill in a very few words. The line of the reservation at the point indicated in the bill runs just at the base of a mountain where some mineral locations are taken.

Mr. PLATT of Connecticut. Not on the reservation.

Mr. THURSTON. The mineral locations are not on the reservation. To work them it requires the opening of a small strip—

Mr. PLATT of Connecticut. Two hundred and thirty-one acres.

Mr. THURSTON. At the foot of the mountain, containing two hundred and thirty-odd acres, worthless for all purposes, as far as the Indians or the Government are concerned. The only purpose is to swing back to that extent the line of the reservation, thereby permitting these mines to be worked.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. PETTIGREW. I should like to know whether there is not an amendment to the bill. It seems to me the Committee on Indian Affairs reported an amendment to the bill.

The PRESIDENT pro tempore. There is no amendment, the Chair is informed.

Mr. PLATT of Connecticut. The bill provides that the land shall be sold, and after the expense of surveying and selling are provided for, that the amount shall be for the benefit of the Indians.

Mr. PETTIGREW. But I understand that the bill was to be amended, for the reason that this is an Executive order reservation, and we have not heretofore recognized the title of Indians in reservations established by Executive order. It is a change in the rule or the custom of the Government in this particular. I supposed the bill was amended in committee so as to obviate that objection.

The PRESIDENT pro tempore. The report indicates an amendment, but the bill does not show that the amendment was adopted. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. THURSTON. I think I can move an amendment to the bill.

Mr. TELLER. I want to suggest that it is in the power of the

President to change the line without any statute. It is an Executive order reservation, and the property does not belong to the Indians. It belongs to the United States.

Mr. PETTIGREW. It has been the custom for the President to make these changes when necessary.

Mr. TELLER. To make them whenever he chooses.

Mr. PETTIGREW. I shall have to object to the bill if it recognizes title in the Indians.

Mr. THURSTON. I move, in line 6, page 3 of the bill, to strike out the following words: "the provisions of the mining laws of the United States;" and after the word "be," in line 6, page 3, to insert "restored to the public domain and be." That simply restores the tract to the public domain. After the word "under," in line 6, page 3, I move to insert the words "rules and regulations to be prescribed by the Secretary of the Interior."

Mr. PETTIGREW. How about the proviso?

The PRESIDENT pro tempore. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. It is proposed to strike out, in line 6, page 3, after the word "under," the words "the provisions of the mining laws of the United States;" in line 6, after the word "be," to insert "restored to the public domain and be;" and after the word "under," in line 6, page 3, it is proposed to insert "rules and regulations to be prescribed by the Secretary of the Interior;" so as to make the proviso read:

Provided, That said lands shall be restored to the public domain and be sold under rules and regulations to be prescribed by the Secretary of the Interior, and that all moneys accruing from the sale of the lands hereby restored, except the fees allowed by law to the register and receiver, shall be paid into the Treasury of the United States and applied solely as follows.

The amendment was agreed to.

Mr. STEWART. I shall not object to this bill, but I wish to state that there are all over the country—this is a great big question, and this is only a small bill—Executive reservations of very large extent, including mountain ranges and deserts where the Indians do not go and where the land is entirely worthless for the use of the Indians, and the miners are excluded. There are some in my State. There is a mountain that the Indians have not been on; they never have been on it, perhaps; very little, if ever, where the whites went first. They found they could not mine because it was a reservation.

Mr. ALDRICH. I suggest that the bill had better be recommitted.

Mr. STEWART. Just one word.

Mr. ALDRICH. I suggest that the bill be recommitted.

Mr. STEWART. No. Let the bill be passed. It is meritorious. I did not intend by my speech to defeat the bill. I have nothing more to say except that there must be some general legislation. There are a great many cases, which are very meritorious, where the miners could go under proper legislation without injuring the Indians.

Mr. PETTIGREW. I move to strike out the words "and applied solely as follows," in line 10, page 3, and then on the remainder of the bill.

The SECRETARY. On page 3, line 10, it is proposed to strike out the following:

And applied solely as follows:

First. To reimburse the United States for all expenses actually and necessarily incurred in surveying said lands.

Second. The remainder to be held in trust for the sole use and benefit of the tribes of Indians now located upon said reservation and to be expended by the Commissioner of Indian Affairs, under the direction and control of the Secretary of the Interior, in such manner and for such purposes as may to him seem to be for the best interests of said Indian tribes.

Mr. THURSTON. This is so small a matter, involving such a small amount of land, that, so far as I am concerned, I have no objection to the proposed amendment.

Mr. PETTIGREW. That allows the land to be disposed of; the money will go into the Treasury of the United States; and if afterwards there are any equities found in the Indians, the money can be paid to them; but I object to the passage of a bill which recognizes their title in an Executive order reservation.

Mr. PLATT of Connecticut. There are a great many Executive order reservations in the United States for the Indians upon which are mineral lands. The question at issue between us is whether those lands should be taken away from the Indians by act of Congress—I agree the President can do it—without making any compensation to the Indians. I think if Congress legislates to diminish an Indian reservation by taking away from it mineral lands, and realizes money from it, the money thus realized should go to the Indians. That is the difference in the committee and in the Senate. Therefore I am opposed to this amendment, as it sets a precedent which will come back to plague us.

Mr. TELLER. Then I object to the bill.

Mr. ALDRICH. I object to it.

The PRESIDENT pro tempore. The bill, being objected to, goes to the Calendar.

INTERSTATE AND WEST INDIAN EXPOSITION.

Mr. TILLMAN. I ask unanimous consent to call up the bill (H. R. 4373) to encourage the holding of an interstate and West Indian exposition in the city of Charleston, in the State of South Carolina, in the year nineteen hundred and one.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill indicated by the Senator from South Carolina?

Mr. WOLCOTT. I object.

ELLEN MILES BROWN.

Mr. CULLOM. I ask unanimous consent to call up the bill (H. R. 10310) granting an increase of pension to Ellen Miles Brown.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pension Ellen Miles Brown, widow of Otley Brown, late hospital steward Forty-seventh Regiment Illinois Volunteer Infantry, and former widow of Daniel L. Miles, late lieutenant-colonel Forty-seventh Regiment Illinois Volunteer Infantry, at the rate of \$30 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENECA TELEPHONE COMPANY.

Mr. COCKRELL. I ask unanimous consent to have considered at this time the bill (H. R. 9389) to authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory. It was unanimously reported from the Committee on Indian Affairs, and is only eighteen lines long.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Seneca Telephone Company, incorporated under the laws of the State of Missouri, to construct and maintain telephone lines from Seneca, Mo., to the Quapaw Agency, and to Wyandotte, Grand River, Fairland, Oseuma, Afton, and Vinita, in the Indian Territory, subject to the rules and regulations prescribed by the Secretary of the Interior; and to be approved by the Secretary of the Interior.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSAGE LANDS IN KANSAS.

Mr. BAKER. I ask unanimous consent for the present consideration of the bill (H. R. 10152) to provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Lands, with an amendment in section 1, on page 1, line 4, after the word "public," to strike out "auction" and insert "sale;" so as to make the section read:

That the Secretary of the Interior shall cause to be duly proclaimed and offered at public sale, in the manner prescribed for the offering of public lands, all isolated or disconnected tracts or parcels of lands of one quarter section or less of the Osage trust and diminished reserve lands within the State of Kansas for which no application has been filed under the provisions of existing laws in relation thereto, but not more than one quarter section shall be sold to any one purchaser under the provisions of this act. Such lands shall be offered for sale by advertisement for not less than thirty days in two newspapers in the proper land district, and by posting in the proper local land office for the same period, and upon the day named in such notice shall be sold for cash to the highest bidder at not less than the price fixed by law: *Provided*, That any settler upon any of said lands shall be permitted, at any time prior to the sale of the particular tract claimed by him, to file his application and submit proof therefor in accordance with existing laws. If any of said lands remain unsold after the offering as aforesaid they shall be subject to private entry, for cash, in tracts not exceeding one quarter section by one purchaser.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DANIEL. Mr. President—

The PRESIDENT pro tempore. Will the Senator from Virginia allow the Senator from South Dakota [Mr. PETTIGREW] to offer a resolution so that it may be laid on the table?

Mr. DANIEL. Certainly.

Mr. PETTIGREW. I ask unanimous consent to have a resolution laid on the table and printed without reading.

Mr. ALDRICH. What is it about?

The PRESIDENT pro tempore. Is there objection?

Mr. ALDRICH. I should like to have the resolution read for information.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read as follows:

Resolved, That the Committee on Education and Labor—

Mr. ALDRICH. I will object to it anyhow. It is outside of the unanimous-consent agreement. I object to its reception.

The PRESIDENT pro tempore. Objection is made.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE EPES.

Mr. DANIEL. Mr. President, I ask the Chair to lay before the Senate the resolutions from the House of Representatives on the death of Hon. SYDNEY PRYOR EPES.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, March 24, 1900.

Resolved, That the business of the House be now suspended that opportunity may be given for tribute to the memory of Hon. SYDNEY P. EPES, late a member of the House of Representatives from the State of Virginia.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his eminent abilities as a distinguished public servant the House, at the conclusion of these memorial proceedings, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk be instructed to send a copy of these resolutions to the family of the deceased.

Mr. DANIEL. Mr. President, I offer the following resolutions which I send to the desk. I ask to have them read.

The PRESIDENT pro tempore. The Senator from Virginia submits resolutions which the Secretary will read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate deeply mourns the death of the Hon. SYDNEY PRYOR EPES, late Representative of the Fourth Congressional district of Virginia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives.

Resolved, That in testimony of our respect for the memory of the deceased the Senate do now adjourn.

Mr. DANIEL. Mr. President, SYDNEY PRYOR EPES, Representative of the Fourth district of Virginia in the Congress of the United States, died at Garfield Hospital in this city on the 3d day of March last. His illness was sudden and brief. His death was a surprise, a shock, and a sorrow to all who knew him. Friends had barely time to come to his side and to summon the most skilled medical assistance. It was all in vain. I was absent from the city at the time of his death and at the time of his funeral, but my heart bled when I saw the sad announcement that he was no more.

I knew him well, I honored him much, and I loved him dearly. I realized when I saw that announcement how afflicting the stroke would be to that happy family of which, as husband and father, he was the devoted head; to his aged parents, to whose declining years he was light and joy and hope, and to the hosts of friends who saw in him the promise of a long and useful career and found in him those qualities that fulfilled their aspirations and made life worth the living.

Grief is partially selfish. We miss the kind departed friend, for there departs with him the useful offices—the sympathy in tastes and opinions, the happiness of society, and the moral support and comfort which he gave us.

But grief is far from wholly selfish. We miss also the opportunities of service to those who elicit it from our affections, and broken are the ideals of hope which they conjured. Wholehearted is the grief that bends over the early bier of EPES, and it flows from every noble fountain of the human breast.

In the Congressional Directory first published upon the assembling of the Fifty-sixth Congress there was this entry:

SYDNEY P. EPES, Democrat, of Blackstone, was born at Sunnyside, Nottoway County, Va., August 30, 1865; was educated in Kentucky, and is by occupation a journalist; was elected to the house of delegates of Virginia for the session of 1891-92; served as register of the land office of Virginia from 1895 until elected to the Fifty-fifth Congress over R. T. Thorp, Republican, by 2,621 majority; was unelected March 23, 1898, by the Republican majority, and was at once renominated by the Democrats of his district for the Fifty-sixth Congress, to which he was elected, receiving 8,633 votes, to 5,889 for R. T. Thorp, Republican, and 255 for Booker Ellis, Republican.

The dry bones of the skeleton give indications of the measure and the stature of the man and some hint of his power, but how little does it picture the living, breathing, moving, and active being. This brief and modest sketch gives equally as scant a portraiture of our departed friend. Yet between the lines we who knew him still see the full mold and figure of the man whose life glowed with the high and beautiful soul that was in him.

Born in the summer of 1865, the whole life of Mr. EPES postdated the civil war, and when we realize this and that he had grown to the political leadership of his section, and was passing toward middle age in the ripeness of matured and experienced faculties, we realize, too, how swiftly the years roll by, and how far we have moved away from that tremendous struggle, which still lingers with us in heroic and tender memories. The men of his generation are now in mid career, and of them he was a fair and worthy representative, and to them he was a noble example.

In mental, moral, and physical attributes he was a charming personality. Mr. EPES was one of the most attractive men I have ever known. Tall and handsome in person, with an open and engaging countenance that beamed with intelligence and sweet humor, with dignity of carriage, and the unaffected manners of the modest and unassuming gentleman, his very appearance in-

spired respect and favorable prepossession; and the qualities of his head and heart were in consonance with his outward seeming. To like him was as natural as to be with him, and to give him confidence and friendship was as natural as to know him.

He was of a family of high reputation for character and intelligence in Virginia, a family which had often on both the maternal and paternal sides been distinguished in the public service. He was the kinsman of our late honored colleague, the late Senator E. C. Walthall, of Mississippi. A strong attachment existed between them, and one who has known both of those excellent men could readily discern in them likenesses of appearance, quality, and character.

The life of Mr. EPES was one of activity and of usefulness. It was marked by no sudden or brilliant essays, and by no stormy and exciting scenes. It flowed like a calm river of clear water, ever widening and deepening. Of lofty ideals and of delicate sensibilities, he had no taste for the rough encounters of the hustings or for ostentatious demonstrations. He was a fine writer, was well informed on all questions, and capable of speaking with cogency and perspicuity. He shunned rather than sought occasions of public show and public expression.

His influence was large and ever increasing, and it was that steadfast and wholesome influence which flows from discriminating judgment, from love of duty, from steadfastness of purpose, from loyalty to principle and loyalty to friendship, from that combination of diversified abilities and virtues which we often describe as force of character.

To be rather than to seem, and to do rather than to say, was the quiet philosophy of his life work, and he did that work well.

John Randolph, who was elected to the legislature when his eligibility in years was disputed, was asked his age. His reply was, "Ask my constituents." If any would know who EPES was or what he was, ask his constituents. He was devoted to them, and served them with all diligence and fidelity. They were devoted to him and were proud of him.

The life of Mr. EPES was spent in the serious and earnest discharge of duty, and there radiated from him on all sides amongst his acquaintances and those with whom his lot in life fell, those manifold tender and sweet charities which pass unmentioned, but do not fail to sow the seed of good.

'Tis a little thing
To give a cup of water; yet its draught
Of cool refreshment, drained by fevered lips,
May cool a shock of pleasure to the frame
More exquisite than when nectarean juice
Renews the life of joy in happiest hours.
It is a little thing to speak a phrase
Of common comfort which by daily use
Has almost lost its sense; yet on the ear
Of him who thought to die unmourned 'twill fall
Like choicest music.

The spirit of his life is contained in the beautiful lines which I have quoted, and after such a life surely he sleeps well.

Mr. CLAY. Mr. President, I had known Hon. SYDNEY P. EPES only a short while before he died. I soon discovered that he was a man of distinguished ability, of lovable character, and that he possessed fixedness of purpose and untiring industry in the discharge of his public duties.

I see from the Congressional Directory that he was born in Virginia, the State he loved and served so well, August 30, 1865, and was by occupation a journalist; that he was elected to the house of delegates of Virginia for the session of 1891-92; that he served as register of the land office of Virginia from 1895 until he was elected to the Fifty-fifth Congress over Hon. R. T. Thorp, Republican, by 2,621 majority, and was renominated by the Democrats of his district for the Fifty-sixth Congress, to which he was elected, receiving 8,633 votes to 5,889 for Hon. R. T. Thorp, his opponent. It will thus be seen that he had not reached his thirty-fifth year at the time of his death.

Notwithstanding this fact, he had served his State with distinguished ability and was fast becoming a useful and conspicuous member of the lower branch of Congress. Few men at his age have risen so rapidly in the public service and none have enjoyed to a greater degree than he did the respect, esteem, confidence, and love of his constituency. When we study his private life, his desires and aspirations, his associations with his fellows, the pure purposes of his life, we can readily understand why he accomplished so much in such a short time.

I first met Mr. EPES at the beginning of the session of the present Congress, and we remained at the same hotel until his death. I was impressed with the man when I first came in contact with him, and at the time of his death I esteemed him as a good citizen, a devoted husband, a loving father, a loyal and trustworthy friend, an industrious, painstaking, and useful Representative. He was modest, polite, kind, just, generous, and possessed all of the elements that go to make up a true gentleman.

He possessed a gentle and lovable disposition, and was universally popular with those who knew him. He was honest, frank,

courteous, and always had the courage to maintain his convictions. No State in the Union can boast of more distinguished sons who have contributed in making character and history for this nation than the Commonwealth of Virginia.

The distinguished dead, though cut down before he had reached the meridian of life, has left a heritage of which his people may well be proud. His ability, his industry, and his wisdom as a member of Congress were fully appreciated by his own delegation, and they had elected him a member of the Congressional campaign committee, and he held the position of vice-president of the committee at the time of his death. It is not often allotted to man to be the recipient of so many honors and of such confidence in so short a period of time. Had his life been spared, with a devoted constituency, untiring industry, and a laudable ambition to serve his people, he had before him a distinguished and brilliant career.

How strange that one so young, so necessary to his affectionate wife and devoted children, should be cut down before he had reached the meridian of life. I was more than shocked when I heard that he was dead. He was young, hopeful, fond of his friends, devoted to his home, and seemed to be always happy when speaking of his wife and children. He was modest, refined, and in his conversation pure and chaste, and evidently with strong domestic ties. Why should one so useful be called away at such an early age? The inscrutable decrees of Providence we can not always understand, but must bow to the will of a just and merciful God, knowing that His ways are just and right.

It is hard to understand, but our kind and Heavenly Father doeth all things for the best. We know that death is not the end of life. The separation from home, friends, wife, and children is only temporary. He has gone to his final resting place, and we shall see him again. Death, thank God, is not an end of life. He was young, apparently in good health, with a devoted family, a large circle of friends, enjoying in an unusual degree the confidence of his constituency and associates in Congress, and was thought to have before him many years of happiness and usefulness, but death came in an unexpected hour and his conspicuous career was ended; but his noble life, his deeds of kindness, gentleness, and mercy will never die. His patriotic and distinguished public services, both to his State and the nation, will ever be remembered and cherished by his friends.

He died young, but he has left behind him a life of usefulness, an honored and distinguished career, a valuable heritage to his devoted wife and children, State, and country. While I had known him only a few months previous to his death, I had learned first to respect him, then to honor and to love him. Above all, I believe that he was frank and sincere, and in such a way I desire to speak of my departed friend. When I learned of his sudden illness and that there was no possible chance for his recovery my heart was filled with grief and sadness.

There was universal sorrow among all those who knew him at the hotel where he had been stopping. Every person I would meet who knew him had a kind word to say for our departed friend. It was universally remarked that he was in every sense of the words a just and good man. He was so lovable in his character and gentle in his disposition that all the children who knew him loved him. What higher tribute could be paid to any man?

I shall always cherish the memory of his friendship and shall feel that my life has been made more gentle, purer, and better by reason of our associations, and by reason of the splendid qualities of his mind and heart. His modest and gentle disposition, his pure and chaste conversation, impressed me in such a way that I shall never forget our friendly associations.

I am glad to have met such a man and to feel that life has been made better by reason of his friendship. Such a life has not been in vain. I have never met his wife and his five orphan children, but my heart goes out to them in the deepest sympathy for the irreparable loss they have sustained, but it should be a consolation to them to know that, while in his young manhood he was cut down, he has left to them and his friends the evidences of a pure, unselfish life.

His conspicuous and distinguished career, accomplished in so short a time, constitutes a valuable heritage to his country and his grief-stricken wife and children. Had his life been spared, what a career he had before him! A distinguished public servant, a faithful friend, a good neighbor, a devoted husband, and loving father has finished his work. The work has been well done. He leaves a reputation and a good name without a blemish. His brave, courageous, and noble nature we can never forget.

He has taught us a lesson of industry, devotion to duty, a pure and unselfish life, which, if we study and pursue, will bring to us usefulness and happiness.

Mr. MARTIN. Mr. President, I desire in a few words to record my testimony to the personal worth and valuable public services of the distinguished Virginian who is referred to in the resolutions that have been read. SYDNEY P. EPES was my per-

sonal and political friend. I gave him my confidence as I have given it to few men in this life. In return, he honored me with his confidence and friendship. He was born in the county of Nottoway, in the State of Virginia, on the 20th day of August, 1865, and died at the Garfield Hospital, in the city of Washington, on the 3d day of March, 1900. He was suddenly stricken down with appendicitis and never fully rallied from the effects of a surgical operation performed by some of the best surgeons of this city.

Although cut off in the prime of his manhood, I may even say in his youth, his life was not an uneventful one. He represented the county of Nottoway in the legislature of Virginia. He was elected by the legislature to serve and did serve his State in the important and responsible position of register of the land office. He was twice elected to represent the Fourth Virginia district in the Congress of the United States.

He was not a showy man, but he was a safe one. He was not a brilliant man, but he was a strong and able one. He was a journalist by profession, and was an ardent Democrat. He was a careful thinker, a close reasoner, a clear and able writer, and an incisive speaker. In all the relations of private life—as son, as husband, as father, and as neighbor—his life was blameless. He was a good citizen, taking an active interest in all public affairs, and carrying more than his share of all public burdens.

He was a man of the highest integrity and of the most punctilious honor in all things. In the discharge of his public duties he was watchful, diligent, faithful, and efficient. Coming from an honored and honorable family in his State, getting his training and inspiration from a father who was and is a typical gentleman of the old school, reared by a cultured, intelligent, and Christian mother, SYDNEY P. EPES could not well have been other than what he was—one of nature's noblemen. Soon after his death I received a letter from his mother, who, in the last few days, at a ripe old age, has been summoned to join her son, which impresses me so favorably that I will read it.

BLACKSTONE, April 23, 1900.

MY DEAR FRIEND: I read your letter to Captain Harris, which prompts me to express my gratitude to you for your tender words of love and appreciation of my precious son. His regard for you was very great. Your name is a household word with us. There were others, too, whom he loved most ardently. You know who they are. With you and with them I desire always to be "in touch" (to use one of dear Sydney's expressions). I wish the chain of love for him never to be broken, but the links to be knit more closely and more tenderly among us who are left.

Why he was cut down so young, in the heyday of hope and success, is a mystery that eternity alone will unveil for us. "But right through it all, God is loving, and knows so much better than we." Lucy (Sydney's poor, stricken young wife) sent a letter to Mrs. Martin, which I am afraid she did not receive, as I noticed in the paper her having left Washington.

Praying God's choicest blessing on all of you who loved him, and that his shortened life may be the means of giving you life eternal, is the fervent prayer of Sydney's

MOTHER.

Accompanying this letter was a copy, made by Mrs. Epes herself, of some verses of Mrs. Margaret Preston, a distinguished Virginia authoress, to which she called my attention by the following memorandum:

Think these beautiful lines are from the gifted pen of Mrs. Margaretus Preston, so appropriate to my precious child. Read them.

I will read them:

GOD KNOWS BETTER THAN WE.

He has solved it, life's wonderful problem,
The deepest, the strongest, the last,
And into the school of the angels
With the answer forever has passed.
How strange, that in spite of our questioning,
He maketh no answer, nor tells
Why so soon were life's honoring laurels
Displaced by God's immortelles!
How strange he should sleep so profoundly,
So young, so unmoved by the strife,
While beside him, brimful of life's nectar,
Untouched stands the goblet of life.
'Tis idle to talk of the future,
Of the sad "might have been," mid our tears;
God knew all about it, yet took him
Away from the on-coming years.
God knew all about it; how noble,
How gentle he was, and how brave,
How bright his possible future—
Yet put him to sleep in the grave.
God knows all about those who love him,
How bitter the trial must be,
And right through it all God is loving,
And knows so much better than we.

From such mothers as this have come and always will come the patriots and the statesmen who make our country great. SYDNEY P. EPES was one of them. Virginia honored him while living, and all true Virginians honor his memory.

Mr. President, I ask for the adoption of the resolutions. The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is on the adoption of the resolutions submitted by the Senator from Virginia [Mr. DANIEL].

The resolutions were unanimously agreed to; and (at 10 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 5, 1900, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 4, 1900.

APPOINTMENT IN THE ARMY.

To be major-general.

Brig. Gen. Elwell S. Otis, United States Army (major-general, United States Volunteers), June 16, 1900, vice Merritt, to be retired from active service on that date under the requirements of the act of Congress approved June 30, 1882.

APPOINTMENT IN THE VOLUNTEER ARMY.

Thirty-ninth Infantry.

Q. M. Sergt. Elmer B. Gavett, Company H, Thirty-ninth Infantry, United States Volunteers, to be second lieutenant, May 25, 1900, vice Vickers, honorably discharged.

NOTE.—Sergt. Maj. Archer W. Davis, Thirty-ninth Infantry, United States Volunteers, was nominated April 27, 1900, for appointment to the vacancy caused by the discharge of Lieutenant Vickers; was confirmed by the Senate May 4, 1900, and duly commissioned, but died May 16, 1900, not having accepted his commission.

PROMOTIONS IN THE VOLUNTEER ARMY.

Thirty-sixth Infantry.

Second Lieut. William F. Gwynne, Thirty-sixth Infantry, United States Volunteers, to be first lieutenant, May 25, 1900, vice Haisch, resigned.

Thirty-seventh Infantry.

Second Lieut. Alvin K. Baskette, Thirty-seventh Infantry, United States Volunteers, to be first lieutenant, May 25, 1900, vice Russell, resigned.

To be surgeon with the rank of major.

Capt. Robert Burns, assistant surgeon, Forty-ninth Infantry, United States Volunteers, May 24, 1900, vice Evins, resigned.

To be assistant surgeon with the rank of captain.

First Lieut. William C. Warmley, assistant surgeon, Forty-ninth Infantry, United States Volunteers, May 24, 1900, vice Burns, promoted.

CHIEF JUSTICE OF COURT OF PRIVATE LAND CLAIMS.

Joseph R. Reed, of Iowa, to be chief justice of the Court of Private Land Claims for the term beginning at the expiration of his present term, on the 30th day of June, 1900, and expiring on the 30th day of June, 1902, provided for by act of Congress approved April 17, 1900.

ASSOCIATE JUSTICES OF COURT OF PRIVATE LAND CLAIMS.

Thomas C. Fuller, of North Carolina, to be associate justice of the Court of Private Land Claims for the term beginning at the expiration of his present term, on the 30th day of June, 1900, and expiring on the 30th day of June, 1902, provided for by act of Congress approved April 17, 1900.

William W. Murray, of Tennessee, to be associate justice of the Court of Private Land Claims for the term beginning at the expiration of his present term, on the 30th day of June, 1900, and expiring on the 30th day of June, 1902, provided for by act of Congress approved April 17, 1900.

Henry C. Sluss, of Kansas, to be associate justice of the Court of Private Land Claims for the term beginning at the expiration of his present term, on the 30th day of June, 1900, and expiring on the 30th day of June, 1902, provided for by act of Congress approved April 17, 1900.

Wilbur F. Stone, of Colorado, to be associate justice of the Court of Private Land Claims for the term beginning at the expiration of his present term, on the 30th day of June, 1900, and expiring on the 30th day of June 1902, provided for by act of Congress approved April 17, 1900.

CONSUL.

Thomas Herbert Norton, of Ohio, to be consul of the United States at Harput, Turkey, to fill an original vacancy.

POSTMASTER.

William M. Sullivan, to be postmaster at Middletown, in the county of Butler and State of Ohio, in the place of J. Q. Baker, whose commission expired May 18, 1900.

INDIAN COMMISSIONER.

Clifton R. Breckinridge, of Arkansas, to be a commissioner to negotiate with the Indians of the Cherokee, Choctaw, Chickasaw, Muscogee (or Creek), and Seminole nations, under the provisions of the act of Congress approved March 3, 1893 (27 Statutes, page 645), vice Archibald S. McKennon, resigned.

PROMOTIONS IN THE VOLUNTEER ARMY.

Thirty-first Infantry.

Maj. Lloyd M. Brett, Thirty-first Infantry, United States Volunteers, to be lieutenant-colonel, May 31, 1900, vice Hayes, resigned.

Capt. Charles P. Stivers, Thirty-first Infantry, United States Volunteers, to be major, May 31, 1900, vice Brett, promoted.

First Lieut. Benjamin Stark, jr., Thirty-first Infantry, United States Volunteers, to be captain, May 31, 1900, vice Stivers, promoted.

Second Lieut. Wilford Twyman, Thirty-first Infantry, United States Volunteers, to be first lieutenant, May 31, 1900, vice Stark, promoted.

APPOINTMENTS IN THE VOLUNTEER ARMY.

Thirty-fifth Infantry.

Sergt. Donald W. Strong, Company A, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, May 31, 1900, vice Chappellear, promoted.

To be brigadier-generals.

Col. Jacob H. Smith, Seventeenth Infantry, United States Army, June 1, 1900.

Col. Luther R. Hare, Thirty-third Infantry, United States Volunteers (captain, Seventh Cavalry, United States Army), June 1, 1900.

PROMOTIONS IN THE ARMY.

Infantry arm.

Maj. Carroll H. Potter, Fourteenth Infantry, to be lieutenant-colonel, May 31, 1900, vice Hartz, Twenty-second Infantry, retired from active service.

Capt. Henry A. Greene, Twentieth Infantry, to be major, May 31, 1900, vice Potter, Fourteenth Infantry, promoted.

UNITED STATES DISTRICT JUDGE.

Morris M. Estee, of California, to be United States district judge of the Territory of Hawaii, an original appointment under the provisions of the act of Congress entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

UNITED STATES DISTRICT ATTORNEY.

John C. Baird, of Wyoming, to be United States district attorney of the Territory of Hawaii, an original appointment under the provisions of the act of Congress entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

UNITED STATES MARSHAL.

Daniel A. Ray, of Illinois, to be United States marshal of the Territory of Hawaii, an original appointment under the provisions of the act of Congress entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

SURVEYOR OF CUSTOMS.

Frederick A. Kuntzsch, of New York, to be surveyor of customs for the port of Syracuse, in the State of New York, to succeed John F. Nash, whose term of office will expire by limitation June 5, 1900.

POSTMASTER.

John L. Nesbit to be postmaster at Corona, in the county of Queens and State of New York, in the place of G. L. Rapelye, removed.

PROMOTIONS IN THE NAVY.

Lieut. Albert Gleaves to be a lieutenant-commander in the Navy, from the 25th day of May, 1900, vice Lieut. Commander William P. Elliott, deceased.

Lieut. (Junior Grade) Waldo Evans, to be a lieutenant in the Navy from the 12th day of December, 1899, vice Lieut. Robert I. Reid, promoted.

Also the following-named ensigns to be lieutenants (junior grade) in the Navy, from the 1st day of July, 1900, they having completed three years' service in the grade of ensign (all subject to the examinations required by law):

Frank H. Brumby.
Thomas M. Dick.
Charles K. Mallory.
Frank P. Baldwin.
William C. Davidson.
Newton Mansfield.
Harris Laning.
James P. Morton.
Daniel M. Garrison.
Franklin D. Karns.
David W. Todd.
John V. Klemann.
William R. Cushman.
Henry V. Butler, jr.
Walter R. Gherardi.
James J. Raby.
James E. Walker.

Frederic N. Freeman.
William H. Standley.
Arthur T. Chester.
Cassius B. Barnes.
Albion J. Wadhams.
Kenneth M. Bennett.
Edward H. Watson.
Orlo S. Knepper.
Michael J. McCormack.
John F. Marshall, jr.
Rufus Z. Johnston, jr.
Ernest F. Eckhardt.
Edward H. Dunn.

The following-named naval cadets to be ensigns in the Navy, from the 4th day of April, 1900, all subject to the examinations required by law, to fill vacancies existing in that grade:

John Halligan, jr.
William C. Watts.
George L. Smith.
Herman J. Elson.
Wilbur G. Briggs.
Fletcher L. Sheffield.
Ralph N. Marble, jr.
Henry C. Dinger.
James A. Hand, jr.
Lyman A. Cotten.
Edward Woods.
Alexander N. Mitchell.
Charles Boone.
Louis Shane.
Edward W. McIntyre.
Frank L. Pinney.
William P. Cronan.
Ulysses S. Macy.
Zeno E. Briggs.
Walter B. Tardy.
William T. Tarrant.
Guy W. Faller.
Clarence A. Abele.
William B. Wells.
Yancey S. Williams.
Edward T. Constien.
Thomas L. Johnson.
George T. Pettengill.
John A. Schofield.
George C. Sweet.
Frank T. Evans.
Morris H. Brown.
David C. Hanrahan.
John F. Babcock.
John S. Graham.
Charles P. Nelson.

The following-named naval cadets, to be assistant naval constructors in the Navy, from the 4th day of April, 1900, subject to the examinations required by law, to fill vacancies existing in that corps:

Henry Williams, and
Henry T. Wright.

The following-named naval cadet, to be a second lieutenant in the United States Marine Corps, from the 4th day of April, 1900, subject to the examinations required by law, to fill a vacancy existing in that corps:

Walter G. Roper.

APPOINTMENT IN THE VOLUNTEER ARMY.

Thirty-fourth Infantry.

Corpl. John H. Ruff, Company H, Thirty-fourth Infantry, United States Volunteers, to be second lieutenant, June 2, 1900, vice Corliss, promoted.

PROMOTION IN THE VOLUNTEER ARMY.

Thirty-fourth Infantry.

Second Lieut. Robert C. Corliss, Thirty-fourth Infantry, United States Volunteers, to be first lieutenant, April 30, 1900, vice Cramer, dismissed.

UNITED STATES MARSHAL.

John E. Kendrick, of Rhode Island, to be marshal of the United States for the district of Rhode Island, vice James S. McCabe, whose term expired February 10, 1900.

MEMBERS OF EXECUTIVE COUNCIL OF PORTO RICO.

José C. Barbosa, of San Juan; Rosendo Matienzo Cintron, of Ponce; José de Diego, of Mayaguez; Manuel Camufias, of Fajardo, and Andreas Crosas, of San Juan, to be members of the executive council of Porto Rico, original appointments under the provisions of the act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900.

COMMISSIONER OF EDUCATION OF PORTO RICO.

Martin Grove Brumbaugh, of Pennsylvania, to be commissioner of education of Porto Rico, an original appointment under the provisions of an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900.

CHIEF AND ASSOCIATE JUSTICES OF PORTO RICO.

José Severo Quinones, of Porto Rico, to be chief justice of the supreme court of Porto Rico. Louis Sulzbacher, of Missouri; José C. Hernandez, of Porto Rico; José M. Figueras, of Porto Rico, and Rafael Nieto y Abeillé, of Porto Rico, to be associate justices of said court, original appointments under the provisions of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900.

UNITED STATES DISTRICT JUDGE OF PORTO RICO.

William H. Holt, of Kentucky, to be United States district judge for the district of Porto Rico, an original appointment under the provisions of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900.

UNITED STATES DISTRICT ATTORNEY OF PORTO RICO.

Noah B. K. Pettingill, of Porto Rico, to be United States district attorney for the district of Porto Rico, an original appointment under the provisions of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900.

UNITED STATES DISTRICT MARSHAL OF PORTO RICO.

Edward S. Wilson, of Ohio, to be United States district marshal for the district of Porto Rico, an original appointment under the provisions of the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900.

MEMBERS OF COMMISSION TO COMPILE LAWS OF PORTO RICO.

Joseph F. Daly, of New York; Leo S. Rowe, of Pennsylvania, and Juan Hernandez Lopez, of San Juan, Porto Rico, as members of the commission to compile and revise the laws of Porto Rico, etc., as provided by the act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 4, 1900.

MARSHAL.

Daniel A. Ray, of Illinois, to be United States marshal for the Territory of Hawaii.

COLLECTOR OF CUSTOMS.

E. R. Stackable, to be collector of customs for the district of Hawaii, in the Territory of Hawaii.

APPOINTMENTS IN THE VOLUNTEER ARMY.

GENERAL OFFICERS.

To be brigadier-generals.

Col. Jacob B. Smith, Seventeenth Infantry, United States Army, June 1, 1900.

Col. Luther R. Hare, Thirty-third Infantry, United States Volunteers (captain Seventh Cavalry, United States Army), June 1, 1900.

THIRTY-NINTH INFANTRY.

Q. M. Sergt. Elmer B. Gavett, Company H, Thirty-ninth Infantry, United States Volunteers, to be second lieutenant, May 25, 1900.

THIRTY-FIFTH INFANTRY.

Sergt. Donald W. Strong, Company A, Thirty-fifth Infantry, United States Volunteers, to be second lieutenant, May 31, 1900.

THIRTY-FIRST INFANTRY.

Maj. Lloyd M. Brett, Thirty-first Infantry, United States Volunteers, to be lieutenant-colonel, May 31, 1900.

Capt. Charles P. Stivers, Thirty-first Infantry, United States Volunteers, to be major, May 31, 1900.

First Lieut. Benjamin Stark, jr., Thirty-first Infantry, United States Volunteers, to be captain, May 31, 1900.

Second Lieut. Wilford Twyman, Thirty-first Infantry, United States Volunteers, to be first lieutenant, May 31, 1900.

THIRTY-SIXTH INFANTRY.

Second Lieut. William F. Gwynne, Thirty-sixth Infantry, United States Volunteers, to be first lieutenant, May 25, 1900.

THIRTY-SEVENTH INFANTRY.

Second Lieut. Alvin K. Baskette, Thirty-seventh Infantry, United States Volunteers, to be first lieutenant, May 25, 1900.

To be surgeon with the rank of major.

Capt. Robert Burns, assistant surgeon, Forty-ninth Infantry, United States Volunteers, May 24, 1900.

To be assistant surgeon with the rank of captain.

First Lieut. William C. Warnsley, assistant surgeon, Fortyninth Infantry, United States Volunteers, May 24, 1900.

PROMOTIONS IN THE ARMY OF THE UNITED STATES.

INFANTRY ARM.

Maj. Carroll H. Potter, Fourteenth Infantry, to be lieutenant-colonel, May 31, 1900.

Capt. Henry A. Greene, Twentieth Infantry, to be major, May 31, 1900.

HOUSE OF REPRESENTATIVES.

MONDAY, June 4, 1900.

The House met at 12 o'clock m., and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, June 2, was read and approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. ALEXANDER. Mr. Speaker, a question of personal privilege.

Mr. MIERS of Indiana. Mr. Speaker, I rise to a question of personal privilege.

Mr. ALEXANDER. Mr. Speaker, a question of personal privilege.

Mr. MIERS of Indiana. Mr. Speaker, a question of privilege.

Mr. JAMES R. WILLIAMS. I rise to a question of privilege.

The SPEAKER. So does the gentleman from New York.

Mr. ALEXANDER. I rise to a question of personal privilege.

PRINT OF THE GENERAL DEFICIENCY BILL.

Mr. CANNON. Will the gentleman from New York allow me to ask an order to print?

Mr. ALEXANDER. Yes.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that the general deficiency bill, with the Senate amendments, be printed, the amendments numbered, and that it lie on the Speaker's table.

The SPEAKER. The gentleman from Illinois [Mr. CANNON], chairman of the Committee on Appropriations, asks unanimous consent of the House that the general deficiency bill be printed, the amendments numbered, and the bill lie upon the Speaker's table. Is there objection?

Mr. WILLIAMS of Mississippi. Is there anything in that request which would prevent consideration of this bill by the Committee of the Whole?

Mr. CANNON. I think not.

The SPEAKER. The Chair thinks it would be within the power of the House to insist upon going into Committee of the Whole if the House desired to do so. This is simply a matter of printing. It does not interfere with the parliamentary rules of the House. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BENNETT, its Secretary, announced that the Senate has passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 11537. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1900, and for prior years, and for other purposes;

H. R. 11719. An act amending section 5270 of the Revised Statutes of the United States;

H. R. 11646. An act making provision for emergencies in river and harbor works for certain service, and for the diversion of certain appropriations or modification of provisions heretofore made.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10650. An act to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana; and

H. R. 1992. An act for the relief of Mathias Pederson.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Senate concurrent resolution 75:

Resolved by the Senate (the House of Representatives concurring), That there be printed, and bound in cloth, for the use of the Census Bureau 500 copies of Senate Document No. 194, first session Fifty-sixth Congress, entitled "The History and Growth of the United States Census."

Senate concurrent resolution 74:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the eulogies upon the late Monroe L. Hayward, Senator-elect from the State of Nebraska, of which 2,000 copies

shall be for the use of the Senate and 4,000 copies shall be for the use of the House of Representatives.

Also the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed of the final report of the board of lady managers of the World's Columbian Commission 3,750 copies, of which 1,000 shall be for the use of the Senate, 2,000 copies for the use of the House, 250 copies to be delivered to Mrs. Potter Palmer, president of the said board of lady managers, for distribution by her to members of home and foreign commissions.

Also the following resolution:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. WILLIAM L. GREENE, late a Representative from the State of Nebraska.

Resolved, That the business of the Senate be now suspended in order that fitting tribute be paid to his memory.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

SENATE BILL AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

Senate concurrent resolution 74:

Resolved by the Senate (the House of Representatives concurring), That there be printed 6,000 additional copies of the eulogies upon the late Monroe L. Hayward, Senator-elect from the State of Nebraska, of which 2,000 copies shall be for the use of the Senate and 4,000 copies shall be for the use of the House of Representatives—

to the Committee on Printing.

Also the following concurrent resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed of the final report of the board of lady managers of the World's Columbian Commission 3,750 copies, of which 1,000 shall be for the use of the Senate, 2,000 copies for the use of the House, 250 copies to be delivered to Mrs. Potter Palmer, president of the said board of lady managers, for distribution by her to members of home and foreign commissions—

to the Committee on Printing.

S. 4259. An act granting an increase of pension to Alice Worthington Winthrop—to the Committee on Invalid Pensions.

S. 3669. An act granting an increase of pension to Ariana F. Mills—to the Committee on Pensions.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 5254. An act for the relief of the estate of Maj. Guy Howard, deceased; and

H. R. 2826. An act to create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.

QUESTION OF PERSONAL PRIVILEGE.

Mr. ALEXANDER. Mr. Speaker, I ask the Clerk to read an extract from a speech delivered in Buffalo in September, 1899, by former Representative Mahany, and which was read into the CONGRESSIONAL RECORD at the other end of the Capitol on May 31, appearing on page 6269.

The SPEAKER. The gentleman from New York [Mr. ALEXANDER] rises to a question of personal privilege and asks the Clerk to read the following, which will be read for the information of the House.

The Clerk read as follows:

As a member of Congress, my duty was to serve the people, not to sell yachts for Democratic bosses. [Cheers.] Speaking of the yacht question, Mr. Connors's yacht, the *Enquirer*, cost him \$45,000, I am informed. Through the influence of John R. Hazel and D. S. ALEXANDER the yacht was sold to the Government for the enormous sum of \$80,000. Mr. Connors received \$80,000, according to a statement Mr. Hazel made to me personally, and Mr. Hazel said his rake-off was \$5,000, and he was sorry he did not ask more, for he believed he could have got it. [Laughter.] History does not record where the other \$15,000 went. The Government recently relisted the yacht for sale at the low figure of \$25,000.

Mr. ALEXANDER. Now I ask the Clerk to read the following affidavit of Mr. John R. Hazel.

The SPEAKER. The Clerk will report the affidavit.

The Clerk read as follows:

STATE OF NEW YORK, County of Erie, city of Buffalo, ss:

John R. Hazel, being duly sworn, deposes and says: That soon after the war was declared with Spain Cervera's fleet was said to have left the Canary Islands for an unknown destination. It was thought by many that the fleet would soon appear upon the Atlantic coast and unless the coast was properly protected much damage might be done to New York City and other cities bordering upon the Atlantic coast. As a result the New York press from day to day urged and insisted that the Government provide additional harbor protection. Commercial bodies of New York City and other cities advised the purchase of torpedo boats and other vessels, and that immediate steps be taken by the Government to protect New York Harbor and other harbors along the Atlantic coast, and to procure and cause said coast to be patrolled by torpedo boats and other speedy craft, so that warning might be given of the approach of Cervera's fleet or any other fleet of the enemy.

At this time Mr. W. J. Connors, the owner of the steam yacht *Enquirer*, whom I had known for many years, advised with me in reference to a letter which he had received from a ship broker of New York City, requesting permission to offer the *Enquirer* for sale to the Government. As a result of his consultation with me, I was employed by him to place the matter of the sale

of the steam yacht *Enquirer* before the then existing auxiliary board, appointed for the purpose of inspecting ships and vessels and to recommend their purchase by the Government. I appeared before this body at New York City, and found that several of its members were acquainted with the *Enquirer* and had its inspection and purchase under consideration. The yacht was 140 feet long, and was reported to have considerable speed. She was seaworthy in all respects; and it was said by the chairman of the auxiliary committee that she was not heavy enough for torpedo purposes, but would do very well for a mosquito fleet, so called. Soon thereafter the naval appropriation bill was passed, and the Government considered the purchase of yachts of the size and kind of the *Enquirer* for the purpose of establishing a fleet to patrol the harbor of New York and other harbors on the Atlantic coast, and I again appeared before the auxiliary committee at Mr. Conners's request. In fact, I appeared before this committee a number of times, and had considerable correspondence with the committee.

It was stated to me by various members of the committee at these times when I appeared before the board that whenever the Government ordered the establishment of a mosquito fleet the *Enquirer* would be purchased, upon condition that the owner would enlarge her coal bunkers.

While negotiations were pending, the Government ordered an inspection of the yacht at Buffalo, N. Y. Lieutenant-Commander Patch and Commander Dickson inspected her, and soon thereafter I was informed that the inspectors had recommended the purchase of the *Enquirer* for the sum of \$80,000; but the yacht was not immediately purchased, because the naval appropriation bill had not passed.

Upon my advice Mr. Conners brought the yacht to New York by way of the Welland Canal and St. Lawrence River, and as soon as the appropriation bill became a law I again called the attention of the auxiliary committee, as well as the attention of the Assistant Secretary of the Navy, to the *Enquirer*, and the purchase by the Government was consummated.

Deponent examined the necessary papers to effect the sale of the *Enquirer* to the Government and delivered her at the Brooklyn Navy-Yard and received the voucher and check, drawn to the order of W. J. Conners, in the usual manner, and that the check was delivered to deponent's client. That there was no reduction of \$15,000 or any payment of this or any other sum paid to any person, and the entire purchase price was paid to Mr. Conners, as the result of the appraisal aforesaid, and it was conducted in all respects properly and as was the course of said auxiliary board.

Pending the negotiations, the auxiliary committee had the purchase of many steam vessels under consideration, and often times a number of days elapsed before a hearing was granted me, and I deemed my services, inclusive of expenses, were reasonably worth the sum of \$5,000, which Mr. Conners paid me, and which I have never concealed.

JOHN R. HAZEL.

Subscribed and sworn to before me this 31st day of May, 1900.

[SEAL.]

J. C. BEECHER.

Notary Public, Erie County, N. Y.

During the reading of the foregoing,

Mr. RICHARDSON said: Mr. Speaker, does the gentleman from New York state that this is a matter of personal privilege?

Mr. ALEXANDER. I do.

Mr. RICHARDSON. I had not heard anything that made it such.

Mr. RYAN of New York. I hope the gentleman will allow this to be read.

The Clerk resumed and completed the reading of the affidavit.

Mr. ALEXANDER. I now ask the Clerk to read the following affidavit of William J. Conners.

The Clerk read as follows:

STATE OF NEW YORK, County of Erie, city of Buffalo, ss:

William J. Conners, being duly sworn, deposes and says:

That he has heard read the affidavit of John R. Hazel, verified on the 31st day of May, 1900, before James C. Beecher, notary public, and that the same is in all respects true.

Deponent further says that he accepted the appraisal of the Government inspectors, and the yacht *Enquirer* was sold to the Government and delivered at the Brooklyn Navy-Yard in the month of May, 1898. The purchase price was not paid until the following June, on account of a delay in the preparation, transmission, or proper execution of the bill of sale and vouchers.

That deponent did not in any way improperly influence the appraised value of the yacht *Enquirer*, nor the purchase price of it by the Government, nor did he cause any person or persons to do so in his behalf. The only sum paid was the sum of \$5,000, which was paid to John R. Hazel, for his legal services and legitimate expenses incurred by him. Said Hazel appeared before the auxiliary board in New York on a number of occasions and prepared the bill of sale, inspected the vouchers, and performed such legal services as are necessary in transactions of this character.

This deponent also appeared several times before the auxiliary board at New York for the purpose of giving such explanations in regard to the yacht and to furnish such description of her as was required of him at the time.

The statements made in the public press that this deponent only received \$60,000 for the *Enquirer*, and that \$15,000 was paid by him or used to influence the appraisal or to influence the sale of the yacht to the Government, are wholly untrue.

W. J. CONNERS.

Subscribed and sworn to before me this 2d day of June, 1900.

[SEAL.]

E. H. DIETZER.

Mr. ALEXANDER. Mr. Speaker, in answer to a letter from Mr. John R. Hazel, I said to him that all negotiations for the purchase of vessels for the use of the Government must be made before the board of naval survey in New York City, composed of several distinguished naval officers; that I knew none of them, but that he could probably get letters of introduction to them from the collector of customs in New York or some other friends.

Some time after that Mr. Hazel informed me that the yacht had been ordered from Buffalo to New York for purposes of survey and asked me to see the Secretary of the Navy and ascertain if it could be tied up to the navy-yard wharf in Brooklyn pending the survey. I saw the Assistant Secretary of the Navy, who replied that he would communicate with the commandant of the navy-yard. I never knew whether that request was granted or not.

I never was on the yacht; I never saw it, to my knowledge, but once, and then from a distance; I never had any negotiations of any kind or character whatsoever respecting the sale of the yacht.

Until Saturday, when the affidavit of Mr. Hazel was handed me, I never knew when the money was paid, to whom it was paid, or how it was paid, or anything respecting the negotiations for the sale of the yacht to the Government. I inflict this personal explanation upon my colleagues of this House simply because the extract from the speech referred to was read into the RECORD on last Saturday at the other end of this Capitol, although I think I owe the House an apology, regardless of that.

PENSIONS OF CERTAIN WIDOWS.

Mr. MIERS of Indiana. Mr. Speaker, I rise to a question of privilege.

Mr. JAMES R. WILLIAMS. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from Indiana.

Mr. MIERS of Indiana. Mr. Speaker, I move to discharge the Committee on Invalid Pensions from the further consideration of resolution No. 264—

The SPEAKER. That is not a question of personal privilege.

Mr. MIERS of Indiana. I do not claim it to be a question of personal privilege; but it is a question of privilege.

Mr. RICHARDSON. It is a question of privilege. This resolution of inquiry has been in the committee for more than a week. It is not a matter of personal privilege, but it concerns the privilege of the House.

The SPEAKER. Is this a resolution of inquiry?

Mr. MIERS of Indiana. A resolution of inquiry, pending before the committee more than a week.

The SPEAKER. The Chair did not understand the gentleman from Indiana. Let the resolution be read by the Clerk.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior is hereby requested and directed to transmit, for the information of the House of Representatives, all the papers, official reports, and correspondence on file relating to the dropping from the pension roll certain widows; especially the reports and correspondence from special examiners William M. Goodlove, W. S. Harris, A. W. Room, and Gen. J. H. Stibbs, and each of them, relative to said widows; also all letters and correspondence by said Stibbs and the Commissioner of Pensions to and with said Stibbs, Harris, Room, Goodlove, and each of them.

Mr. MIERS of Indiana. I ask that the committee be discharged from further consideration and the resolution placed on its passage.

The SPEAKER. What was the motion of the gentleman?

Mr. MIERS of Indiana. It is that the resolution be placed upon its passage.

The SPEAKER. Does the gentleman move to discharge the committee first?

Mr. MIERS of Indiana. Yes, sir; I move to discharge the committee from further consideration of the resolution.

The SPEAKER. The gentleman from Indiana moves to discharge the Committee on Invalid Pensions from the further consideration of the resolution. The question is on discharging the committee.

Mr. MIERS of Indiana. I desire to be heard briefly on this question.

Mr. Speaker, there are some things that are sacred to all men.

Mr. SNODGRASS. Mr. Speaker, a question of order. We can not hear anything.

The SPEAKER. The House will please be in order.

Mr. MIERS of Indiana. The defender of the home is entitled to the esteem of every member of that household. The nation's protectors are entitled to the gratitude of every citizen of the nation. And, Mr. Speaker, if the nation's protector gives his life for the nation and leaves behind him a widow to mourn the loss, that widow is entitled to all the protection the nation can give. The Government has recognized this by granting not only to the heroes of 1861 to 1865 liberal pensions, but to their widows as well. On August 7, 1882, the following amendment was passed to section 4692:

And the open and notorious adulterous cohabitation of a widow who is a pensioner shall operate to terminate her pension from the commencement of such cohabitation.

A rule has grown up, and has been established in the Pension Office, construing this section of the statute, and instead of it being a liberal construction, as the spirit of Americanism requires to be given every statute in favor of the nation's protectors, there has been read into this section by the Commissioner of Pensions that which renders it a close and narrow construction and makes it apply to applicants for pensions, as well as to those who are pensioners, and to apply to the act of June, 1890, when the act does not so provide.

I want to call the attention of the House for a moment further to the act of June 27, 1890, in connection with this statute that I have just read.

Shall hereafter die—

That is, the soldier—

leaving a widow without other means of support than her daily labor, * * * such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army service, be placed on the pension roll from the date of the application therefor under this act.

Mr. LACEY. Mr. Speaker—

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Iowa?

Mr. MIERS of Indiana. Certainly.

Mr. LACEY. I do not understand what connection this general discussion of the pension question has to a resolution of inquiry about a particular case.

Mr. MIERS of Indiana. I will connect with that in just a moment. I am only leading up to this in order not to be personal, and I will show very clearly the application and make the connection.

So that, Mr. Speaker, a practice has grown up, as I have said, of construing this first section not only as against the widow who is a pensioner (the language of the statute), but it is construed against those who are applying as well, reading into the statute that which is not placed there.

Mr. SNODGRASS. We would like to have order. I can not hear a word.

The SPEAKER. Gentlemen will please cease conversation and preserve order.

Mr. MIERS of Indiana. Mr. Speaker, another word on this question. The Commissioner of Pensions reads into this statute, which provides that the widow's name shall be dropped when she is guilty of open and notorious adulterous cohabitation—makes it apply to those who make application. He also reads it into the act of June 27, 1890, which provides solely upon proof of the death of her husband and that she is without means that she is entitled to a pension. While that is a matter of criticism, the Commissioner of Pensions or no other officer ought to be permitted to read anything into the statutes, but this body ought to amend, if the statute is not broad enough to cover moral questions or legal questions, and apply the law as it is. That is all I desire to say on that part of the question.

I desire briefly to call your attention to the information called for in this resolution. I understand, Mr. Speaker, without making any charge, yet stating to this House from information which seems reliable and trustworthy, that there have been about 30 widows dropped from the rolls on the report of one gentleman who is acting in the capacity of a special examiner. By this resolution I have asked that the report be given to the House as a matter of information. That special examiner who makes that report that I refer to is William Goodlove. I am informed by evidence which seems to be reliable that not only did this special examiner, but others, some of whom are not included in this resolution, ask the widow direct questions that are not to be repeated in this public assembly.

I am informed that this same report which I have asked be laid before this House gives the entire statement, question by question, that I want this House to know. While I do not desire to be put in the attitude of making any charge, I will state further what, I am informed, that report would furnish for our information. I am informed, too, Mr. Speaker and gentlemen of the House, that this same special examiner on divers occasions boasted that the Commissioner of Pensions had knowledge of the kind of questions and conduct that he was applying to the widows, and that he fully approved it. I want to say, Mr. Speaker, that I do not believe it. I believe that to be a baseslander against the present Commissioner.

I realize and believe that the present Commissioner has made a narrow and contemptible construction of the pension laws against the old soldiers and their widows, but I am not willing to believe for a moment that he consented to or sanctioned questions in the form they are made here. If such questions were propounded, an investigation will show who is to blame. It is said that, without any regard to the standing of the woman and without a suspicion against her character, the question is asked of her if she had been guilty of adultery since the death of her husband; whether she had given birth to any illegitimate children since the death of her husband, and similar questions. What are the facts? These reports will show something on this subject.

Mr. Speaker and gentlemen of this House, there were two other special examiners, Harris and Roome, who were sent to the city of Chicago for the purpose of inquiring as to the conduct of Special Examiner Goodlove, referring to these examinations. I am informed that each one of the special examiners made reports to the Commissioner of Pensions which are on file on this subject. This resolution asks that they may be submitted to the House.

I am informed that Special Examiner Roome made a plain statement of the facts, and for having done so he was reduced, brought from the field and placed at the desk, rather than to be left on an equal footing with the gentleman against whom he made the report. This resolution asks for that report. Who is unwilling that the public shall know its contents?

I am informed that the other examiner, Harris, made a report to the Commissioner, and the evidence goes to show that the Commissioner took a biased judgment of the matter, reduced the man Harris, and left the man Goodlove standing.

I want to say that I do not know either of these gentlemen. I

have not even a personal acquaintance with one of them, so it is a matter of no personal interest to me. I only want the public to know how these examinations are conducted.

Mr. Speaker, General Stibbs wrote letters to the Commissioner, not only wrote letters to the Commissioner, but he was sent to make an examination, and I am informed that his letters and his report thereon are on file and show conduct most unbecoming, language constituting the most lascivious treatment of a woman who was a widow of one of the defenders of this country, such as no gentleman would permit in his presence, whether he be a Government employee or not. The resolution asks that that communication, which is on file in the Commissioner's office, be laid before the House, and that is all I ask upon that subject. Let the country know the facts. Who will say no?

In addition that patriot, the gallant soldier, the humanitarian, the friend of the soldiers and their widows, in season and out of season, Corporal Tanner, gave an interview in the Washington Post of September 25, 1899, extracts from which I have copied which bear upon that subject, and I ask that the Clerk read the same for information, and, Mr. Speaker, I would like the House to be in order so that they may hear what the charge is as made by this gallant, maimed old soldier.

Mr. RAY of New York. I did not understand what this is that the gentleman is to have read. Will he state what it is?

Mr. MIERS of Indiana. It is extracts from an interview with Corporal Tanner upon the subject of dropping the widows from the pension rolls, on reports made, and on questions entirely outside of the law and along the same line as called for in the reports and correspondence referred to.

Mr. RAY of New York. I understand this is simply an interview with Corporal Tanner?

Mr. MIERS of Indiana. Yes; I ask that it be read in my time. The Clerk read as follows:

They were told to inform each one upon whom they called that they were employees of the Pension Office, and were directed to ask them certain questions.

The questions asked a male pensioner were: First, as to his identity as the person who drew a pension under certificate of such a number; then, as to whether he ever executed his voucher in advance of the first day of payment; then, as to whether he always produced his certificate when he executed his voucher. Answers being satisfactory, the representative of the Commissioner of Pensions went his way to the next name on his list. If it was that of a soldier's widow, he was to identify her as above, and also to ask her if she had cohabited with any man since her husband's death.

My informant told me that he had first on his list the names of many male pensioners, and that at a certain stage of his work, as he looked at the next name on his list, he said: "I almost froze in my tracks, for there among the names allotted to me to investigate was that of the widow of General Blank, under whom I served a little more than half of my four years' service. I swore in my heart that I would lose my position before I would ask her any such question, and I checked her name and went on." He had named to me one of the great generals of the war of the rebellion, whose widow is pensioned under a special act of Congress, and who is universally loved and esteemed by all who know her, and who is held in the highest regard by the millions of Americans who know her only as the widow of her distinguished husband.

On the Saturday before the Grand Army met I sat in the office of a professional gentleman of this city, to whom I told the above, and as I finished a sneer was on his face as he said, "Oh, of course, Tanner, they would not ask such a question of General Blank's widow, but I have a friend, an elderly lady, and as good a woman as exists, and I suppose it is her misfortune that her husband was only a private, for they asked her that d— insulting question."

Joseph W. Kay is department commander of the Grand Army of New York, and resides in Brooklyn. He told me that a man came to his house one evening and introduced himself as a special pension examiner of the Pension Office, under instructions to ask certain questions of Commander Kay's mother-in-law, who lives with him, is the widow of a soldier, and has a claim for a pension. He showed Kay the questions he was instructed to ask, and among them was the objectionable one. Kay said to him: "My mother-in-law is upstairs. She is 78 years of age. I will call her down and you can ask your questions, but I tell you now if you ask her that question I'll kill you before you can cross that threshold." The question was not asked.

Since I have returned from Philadelphia several names have been given to me—names of honored and distinguished ladies residing here at the capital—to whose cheeks the blush of indignation has been brought by this question, based upon the assumption that virtue is the exception and not the rule among the widows of the defenders of our country. Age appears to be no protection, and common sense is never consulted, as in the case of Commander Kay's mother-in-law. Women tottering in the eighties have it propounded to them. Commissioner Evans seems unappreciative of the fact that God Almighty, operating through nature, has a statute of limitations concerning some things, which runs for all time.

And some time ago one of his special examiners, by name James Reilly, was indiscreet enough to ask a lady residing in New York this objectionable question in the presence of a male member of the family. The result was that Mr. Reilly was severely chastised on the spot and thrown out of the house, which was very unjust to him, as it is not to be presumed for a moment that he was asking such a question of his own motion.

At this point in this communication I was interrupted by a lady who is temporarily residing in Washington, a client of mine, and who is at present president of one of the national patriotic associations of ladies, which position she is occupying for the third time. She is a soldier's widow and an applicant for a pension, and she but a moment ago informed me that a paper was put before her containing this question: "Have you given birth to any illegitimate children since the death of your husband?"

Mr. MIERS of Indiana. Mr. Speaker, I might have this class of information extended at length, but I think I have shown enough to make the hot blood tingle in the breast of every true American in this

House and to entitle it to the information asked for in the resolution, and that is all I desire to do this morning. I make no charges; I only ask for the facts as they exist. I will say further that Special Examiner Harris and Special Examiner Roome are both now residents of this city. General Stibbs is located over in Illinois somewhere. I have forgotten at what point, but he can be had, and when this information is given to the House, if the House desires to follow it further, I will then know whether there is ground for the charges. Then I will assist to furnish to you and to this House and to the country much more evidence along the same line as that which has already been read to this House. This inquiry is only for the facts contained in the reports and correspondence.

Mr. Speaker and gentlemen of this House, wherever the flag floats over the property of the Government it is notice to all that that property is protected by every power given to the Government. That is right. If you would protect the property of this country with a strong arm and all the power the Government has, what would you, gentlemen of this House, do for the man who gave his life that the Republic might live, or who gave three years of it, which shortened his life, who left behind him a widow to mourn? Would you extend to her the same protection? Would you allow a special examiner or any citizen of the Republic, under any guise, to taunt her with such questions as are indicated in these charges? I want to say, Mr. Speaker and gentlemen of this House, I do not wonder that one special examiner was maltreated and thrown out of the house.

I do not wonder that Commander Kay said to the examiner, "My good old mother-in-law is upstairs; she is 83 years old; I will call her down and you can ask that question, but if you do I will take your life before you get out of the room." I do not wonder at it, and only wonder, Can it be true? If these things are going on, the comrades of the Grand Army are entitled to know it. If these things are going on, the members of this House are entitled to know it. If this conduct is going on, the country has a right to know it; and I want to say for one, Mr. Speaker, that so far as my voice, so far as my ability and influence go, by the Eternal, the House and the country shall know what there is in these charges. The country demands the facts, and I have made no charges; I want only the facts. Later, if the facts are as suggested, no one will need to make a charge. The patriotic citizens without reference to politics will express their indignation in such a way that the evil will be corrected.

Now, Mr. Speaker, I will ask leave that I may extend my remarks in the RECORD; and I reserve the remainder of my time.

The SPEAKER. The gentleman from Indiana asks leave to extend his remarks in the RECORD.

Mr. PAYNE. I object to that.

The SPEAKER. Objection is made. The gentleman from New York [Mr. RAY] is recognized.

Mr. MIERS of Indiana. I should like to inquire who made the objection.

The SPEAKER. The gentleman from New York [Mr. PAYNE.]

Mr. MIERS of Indiana. It seems to me that if the—

The SPEAKER. The gentleman from New York, rising in his place, has objected. That ends the matter. The gentleman from New York [Mr. RAY] is entitled to the floor.

Mr. MIERS of Indiana. Mr. Speaker, I desire the privilege of reserving the remainder of my time.

The SPEAKER. That will be done.

Mr. RAY of New York. Mr. Speaker, so far as I have been able to understand the remarks of the gentleman from Indiana, they constitute an attack upon the administration of the Pension Department—either on the Commissioner himself or on certain special examiners. I was not able to understand just what the gentleman intended in that regard. But I desire to call the attention of the House to the indefiniteness, the uncertainty of this resolution. No gentleman on the floor of this House can by reading the resolution form any intelligent judgment as to what class of widows it refers or what particular widows are intended if it does not refer to a class. Whether or not the Commissioner of Pensions, if the resolution should be adopted and sent to him, can ascertain from the terms of the resolution what information to give this House is a matter of great doubt. I read the resolution:

Resolved, That the Secretary of the Interior is hereby requested and directed to transmit, for the information of the House of Representatives, all the papers, official reports, and correspondence on file relating to the dropping from the pension roll certain widows; especially the reports and correspondence from special examiners William M. Goodlove, W. S. Harris, A. W. Room, and Gen. J. H. Stibbs, and each of them, relative to said widows.

The persons intended are referred to as "certain widows."

Mr. LACEY. Uncertain widows.

Mr. RAY of New York. Yes, judging from the remarks of the gentleman from Indiana. There is not a widow named; the class of widows referred to is not specified. The resolution continues:

Also all letters and correspondence by said Stibbs and the Commissioner of Pensions to and with said Stibbs, Harris, Room, Goodlove, and each of them.

These are the names of special examiners. The resolution does not point out any particular widow by name; it points out no class

of widows. It is intended, it seems to me, to afford occasion for a speech in this House attacking the administration of the Pension Office. I can discover no other purpose the resolution can serve.

Now, I request the gentleman from Indiana to name the widows to whom he refers. If the Department or any officer thereof has been guilty of any improper conduct in examining into the case of any particular widow, let the gentleman name her and give her residence; if there are more than one such, let him give the names and residences of all. If no particular widow has been offended against, and if all of a class have been treated alike, then let the gentleman name the class of widows to which he refers. It does seem to me, Mr. Speaker, that until this is done and until this resolution is amended to correspond with that idea, it should not be adopted. It is so indefinite and uncertain that the Secretary of the Interior, to whom it is directed, would not be able to find the papers or the records called for. Mr. Speaker, a literal compliance with the direction of that resolution as it reads would require the Secretary of the Interior to send to this House one-half, probably, and perhaps more than one-half, of all the papers and records on file in the Pension Office and with the Secretary of the Interior relating to pensions.

A MEMBER. And then he would not be certain that he had the right names.

Mr. RAY of New York. Certainly he would not; he would not know anything about it. Now, I ask the gentleman to name such a widow—name one—

Mr. MIERS of Indiana. I will do so in my own time.

Mr. RAY of New York. I ask you to name one in my time.

Mr. MIERS of Indiana. I ask you to make your own speech if you can. I will try to make mine in my time.

Mr. RAY of New York. I call upon you now—do you know—

Mr. MIERS of Indiana. I will answer, to the gentleman's satisfaction, before we get through.

Mr. RAY of New York. Let me put my question in parliamentary language. Is the gentleman prepared now to name one widow that he claims has been offended against by the Commissioner of Pensions and to whom he referred in that resolution or to whom the resolution is intended to refer?

Mr. MIERS of Indiana. I prefer not to have the astute gentleman from New York cross-examine me; but if he has any speech to make, I have a little time left and will try to respond.

Mr. RAY of New York. The answer of the gentleman from Indiana shows the character of this resolution, the character of the inquiry proposed to be made, the purpose of it—to afford occasion for a general attack on the Secretary of the Interior and the Commissioner of Pensions; that is all. My question was a fair one; and when the gentleman, bringing into the House a resolution of this kind, is unable to name, or unwilling to name, and refuses to name a single person who, as he claims, has been offended against, or wronged, I assert that the resolution ought not to be adopted and this House ought to vote it down. I trust that will be done. If, upon the other hand, Mr. Speaker, he can come here with a charge against the Secretary of the Interior or the Commissioner of Pensions, naming one or more widows or a class of widows that he alleges upon his honor have been offended against by some unjust ruling, report, or action, then I will aid him, and every Republican in this House will aid him, to investigate the matter and ascertain the facts and let them go to the country. If a wrong has been done, let it be righted. If this information is needed to enable Congress to act, then let us have it. But no such resolution as this should be adopted, for it is a mere insinuation.

This is an attempt to renew and give currency to an old scandal found to be without foundation a long time since. It was discussed to some extent at the last meeting of the National Encampment, Grand Army of the Republic, and nothing came of it. The examiners named would not be retained in the service if guilty of any impropriety. The gentleman from Indiana [Mr. MIERS] does not assume to have seen any papers, to know of a single improper act, and the alleged interview of Tanner is not vouched for or substantiated. There is nothing in the matter. If there is, leave it with the Committee on Invalid Pensions to investigate. That committee is capable. Mr. Speaker, I reserve the balance of my time, except three minutes, which I yield to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Speaker, I do not really suppose that the gentleman from Indiana expects this resolution to pass. It has served its purpose in giving him an opportunity to make a speech that might have been made in general debate on an appropriation bill, but by some means or other has miscarried. The proposition here is to have all of the original papers in relation to "certain widows"—which papers were made out by William M. Goodlove, W. S. Harris, A. W. Room, and Gen. H. Stibbs—sent to Congress. It does not appear but that these papers contain attacks upon certain widows; that they are possibly attacks upon their character and standing, which this resolution seeks, by this drag-net proceeding, to give publicity in the American House of Representatives. Such a resolution ought not to pass. If any inquiry is

desired, it ought to go to the committee and the committee ought to examine any particular case of abuse and take the testimony, making public what was deemed proper and without attacking the private character of any pensioner.

Mr. CLARK of Missouri. If these insulting questions that the gentleman from Indiana alleges have been asked, do you not think the American public ought to know it?

Mr. LACEY. That is another proposition. If any insulting question has been asked of a lady by one pension examiner or two pension examiners, that would be a proper subject of inquiry; but here is a drag net that takes every widow on the roll. Any widow upon the roll can be attacked through this resolution. "Certain widows" is a very vague term. These examiners, four in number, are singled out—

Mr. CLARK of Missouri. This picks out four of them.

Mr. LACEY. Picks out four of them. Some one of them may have done wrong; but this couples three others. It is in the form of a fishing resolution, and it ought not to pass this House. If there is any inquiry which ought to be made, the Committee on Invalid Pensions already has the right to investigate it.

Mr. CLARK of Missouri. How many of these examiners are there?

Mr. LACEY. There are scores of them. Now, if the gentleman knows anything that is derogatory to any one of these examiners, if the gentleman knows of any charge that is derogatory to any widow that he thinks Congress ought to inquire into, why should he not bring that matter before the House? He does not do it, and in addition to that, when he is asked to name anybody he says "he is making the speech," and he does not propose to give the House any facts. It seems to me, Mr. Speaker, these women ought not to be assailed in this covert way, and that these examiners ought not to be assailed in this general way. If any gentleman is willing to rise upon the floor and make a specific charge, it ought to be investigated and will be investigated. The gentleman is on the Committee on Invalid Pensions; he had the power to call the attention of that committee to it, and that committee would investigate anything that they desired to investigate. So, as I said before, this resolution ought not to pass. It has done its duty. It has given the gentleman an opportunity to relieve his mind upon the pension question, and it seems to me it is time for us to vote on it and to vote it down.

Mr. MIERS of Indiana. How much time have I remaining?

Mr. RAY of New York. It is understood that I reserve the balance of my time.

The SPEAKER. The gentleman has thirty-four minutes remaining.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. Would it be competent after gentlemen have made their speeches to offer amendments to this resolution before voting upon it?

The SPEAKER. The Chair will state that the only question before the House is the motion to discharge the Committee on Invalid Pensions. There is nothing that can be amended, under the gentleman's motion, and the motion is strictly not debatable, but no point of order was raised. When the question of the passage of the resolution comes up, that is another matter, which has not yet been submitted to the House.

Mr. HOPKINS. If the House refuses to discharge the committee, then it leaves the resolution with the committee to investigate it as a committee, does it not?

The SPEAKER. If the House refuses to discharge the committee, of course it leaves the resolution with the committee.

Mr. HOPKINS. Then the committee is charged with the duty of investigating the subject-matter of the resolution and reporting.

Mr. MIERS of Indiana. No, Mr. Speaker, it is not charged with the duty of investigation. It is simply charged with asking the questions of the Pension Bureau.

The SPEAKER. The gentleman's parliamentary inquiry has been answered by the Chair.

Mr. MIERS of Indiana. I yield to the gentleman from New York [Mr. DRIGGS].

Mr. PAYNE. Mr. Speaker, I understood the Chair to say that the motion was to discharge the committee, which motion is not debatable.

The SPEAKER. It is not debatable.

Mr. PAYNE. Then I make the point of order that the gentleman from Indiana is not in order.

The SPEAKER. The Chair sustains the point of order. The question is on discharging the committee.

Mr. DRIGGS. A parliamentary inquiry.

Mr. MIERS of Indiana. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MIERS of Indiana. The question of putting the resolution upon its passage is the matter that we have been discussing.

The SPEAKER. That can not be done until the committee is

discharged. The only motion before the House is to discharge the committee. If the House decides to discharge the committee, then the resolution will be put upon its passage.

Mr. DRIGGS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DRIGGS. Has not the gentleman from Indiana any time to yield to me?

The SPEAKER. The point of order is made that the motion is not debatable, and the point of order is sustained.

Mr. RICHARDSON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. I do not understand under what rule the point of order is made that the motion is not debatable. The rules do not say so. There is no rule that prohibits debate on this motion.

Mr. STEELE. I submit that because the gentleman does not know the rule, that is not a parliamentary inquiry.

Mr. RICHARDSON. The gentleman may be right about that. I will not take any issue with him about what he knows about the rules. I ask the attention of the Chair to Rule XXII, clause 5, which makes a resolution of inquiry privileged after one week, but it does not say that it shall not be debated. I think they have always been open to debate.

The SPEAKER. It is a question involving the priority of business, and it has been decided more than once that that is not debatable. The Chair will refer the gentleman to page 254 of Hinds's Book of Precedents, section 428, where it was squarely decided. Rule XXV provides that questions relating to the priority of business shall be decided by a majority without debate. This is such a question. There is no question but that the point of order is well taken. The question will be put to the House.

Mr. RAY of New York. Now, Mr. Speaker, I want to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAY of New York. This being a motion, as I understand, to discharge the Committee on Invalid Pensions, if they are discharged, then the question comes immediately before the House for consideration—

Mr. DRIGGS. A point of order, Mr. Speaker.

The SPEAKER. One point of order at a time.

Mr. RAY of New York. If that motion to discharge the committee is voted down, then this resolution will remain with that committee to act, to ascertain the facts and report to the House at a later day. Is that correct?

The SPEAKER. The gentleman will readily see, and the House must see, that if a motion is made to discharge a committee from a particular matter, bill, or resolution, and the House refuses to discharge the committee, the matter remains with that committee. The question is on agreeing to the motion to discharge the committee.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. MIERS of Indiana demanded a division.

The House divided; and there were—yeas 59, yeas 107.

Mr. MIERS of Indiana. The yeas and nays.

Mr. MORRIS. Mr. Speaker, if the motion of the gentleman from Indiana to discharge the Committee on Invalid Pensions from the further consideration of this resolution is adopted—

The SPEAKER. That motion is before the House.

Mr. MORRIS. If that is adopted, will this resolution then be in order immediately for consideration?

The SPEAKER. If it is adopted. If voted down, it will remain with the committee.

Mr. MORRIS. If immediately in order for consideration, will it be subject to amendment while it is being considered? Can it be amended?

The SPEAKER. That will depend upon the condition that it is in at that time.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 130, answered "present" 15, not voting 95; as follows:

YEAS—112

Adamson,	Cochran, Mo.	Fitzgerald, N. Y.	Kluttz,
Allen, Ky.	Cooper, Tex.	Fleming,	Lanham,
Allen, Miss.	Cox,	Gaines,	Latimer,
Bailey, Tex.	Crowley,	Gaston,	Lentz,
Ball,	Cummings,	Gilbert,	Lewis,
Barber,	Daly, N. J.	Glynn,	Little,
Bell,	Davenport, S. W.	Gordon,	Lloyd,
Bellamy,	Davey,	Green, Pa.	McLain,
Benton,	Davis,	Griggs,	Maddox,
Brantley,	De Armond,	Hall,	Meekison,
Breazeale,	De Graffenreid,	Hay,	Miers, Ind.
Brewer,	De Vries,	Henry, Miss.	Minor,
Brundidge,	Denny,	Howard,	Moon,
Burleson,	Dinsmore,	Jett,	Muller,
Burnett,	Dougherty,	Johnston,	Neville,
Caldwell,	Driggs,	Jones, Va.	Noonan,
Clark, Mo.	Elliott,	King,	Norton, S. C.
Clayton, Ala.	Finley,	Kitchin,	Otey,
Clayton, N. Y.	Fitzgerald, Mass.	Kleberg,	Pierce, Tenn.

Prince,
Ransdell,
Rhea, Ky.
Rhea, Va.
Richardson,
Ridgely,
Rixey,
Robinson, Nebr.
Rucker,

Ryan, N. Y.
Ryan, Pa.
Salmon,
Scudder,
Shackleford,
Shafroth,
Sheppard,
Sims,
Smith, Ky.

Snodgrass,
Stallings,
Stark,
Stephens, Tex.
Stokes,
Swanson,
Tawney,
Thayer,
Thomas, N. C.

Underhill,
Underwood,
Williams, J. R.
Williams, W. E.
Wilson, Idaho
Wilson, N. Y.
Wilson, S. C.
Zenor.

NAYS—130.

Acheson,
Aldrich,
Alexander,
Allen, Me.
Babcock,
Bailey, Kans.
Baker,
Bartholdt,
Bingham,
Bishop,
Boreing,
Boutell, Ill.
Bowersock,
Brick,
Brosius,
Brown,
Burke, S. Dak.
Burkett,
Burlingame,
Burton,
Butler,
Cannon,
Clarke, N. H.
Cochrane, N. Y.
Connell,
Corliss,
Cousins,
Cromer,
Crump,
Cushman,
Dalzell,
Davenport, S. A.
Davidson,

Dick,
Dolliver,
Driscoll,
Eddy,
Emerson,
Esch,
Faris,
Fordney,
Foss,
Freer,
Gardner, N. J.
Gibson,
Gill,
Gillett, N. Y.
Gillett, Mass.
Graft,
Graham,
Greene, Mass.
Grosvenor,
Grout,
Grow,
Hamilton,
Hawley,
Hedge,
Hemenway,
Henry, Conn.
Hepburn,
Hill,
Hitt,
Hoffecker,
Hopkins,
Howell,
Hull,

Jack,
Jones, Wash.
Joy,
Kahn,
Ketcham,
Knox,
Lacey,
Landis,
Lane,
Lawrence,
Linney,
Littlefield,
Long,
Lorimer,
Loud,
Loudenslager,
Lovering,
Lybrand,
McCall,
McCleary,
McPherson,
Mahon,
Marsh,
Mercer,
Moody, Mass.
Moody, Oreg.
Mudd,
Needham,
O'Grady,
Olmsted,
Otjen,
Overstreet,
Parker, N. J.

Payne,
Pearce, Mo.
Phillips,
Pugh,
Ray,
Reeder,
Rodenberg,
Russell,
Shattuc,
Shelden,
Sherman,
Showalter,
Smith, Wm. Alden
Spalding,
Steele,
Stevens, Minn.
Stewart, Wis.
Sulloway,
Taylor, Ohio
Thomas, Iowa
Thropp,
Van Voorhis,
Wadsworth,
Wanger,
Warner,
Waters,
Watson,
Weaver,
Wise,
Wright,
Young.

ANSWERED "PRESENT"—15.

Bankhead,
Bartlett,
Bromwell,
Brownlow,

Capron,
Foster,
Gardner, Mich.
McAleer,

Metcalf,
Meyer, La.
Napfen,
Southard,

Sperry,
Stewart, N. Y.
Tate.

NOT VOTING—95.

Adams,
Atwater,
Barham,
Barney,
Berry,
Boutelle, Me.
Bradley,
Brenner,
Broussard,
Bull,
Burke, Tex.
Calderhead,
Campbell,
Carnack,
Catchings,
Chanler,
Cooney,
Cooper, Wis.
Cowherd,
Crumpacker,
Curtis,
Cusack,
Dahle, Wis.
Dayton,

Dovenor,
Fitzpatrick,
Fletcher,
Fowler,
Fox,
Gamble,
Gayle,
Griffith,
Haugen,
Heatwole,
Henry, Tex.
Jenkins,
Kerr,
Lamb,
Lassiter,
Lester,
Levy,
Littauer,
Livingston,
McClellan,
McCulloch,
McDowell,
McRae,
Mann,

May,
Mesick,
Miller,
Mondell,
Morgan,
Morris,
Newlands,
Norton, Ohio
Packer, Pa.
Pearson,
Pearre,
Polk,
Powers,
Quarles,
Reeves,
Riordan,
Robb,
Roberts,
Robertson, La.
Robinson, Ind.
Ruppert,
Sibley,
Slayden,
Small,

Smith, Ill.
Smith, H. C.
Smith, Samuel W.
Sparkman,
Spight,
Sprague,
Stewart, N. J.
Sulzer,
Sutherland,
Talbert,
Taylor, Ala.
Terry,
Tompkins,
Tongue,
Turner,
Vandiver,
Vreeland,
Wachter,
Weeks,
Weymouth,
Wheeler, Ky.
White,
Ziegler.

So the motion to discharge the committee from the further consideration of the resolution was rejected.

The following pairs were announced:

Until further notice:

Mr. GARDNER of Michigan with Mr. ATWATER.

Mr. DAYTON with Mr. MEYER of Louisiana.

Mr. FOWLER with Mr. BARTLETT.

Mr. BROWNLOW with Mr. CARMACK.

Mr. CAPRON with Mr. SLAYDEN.

Mr. BARHAM with Mr. TURNER.

Mr. STEWART of New Jersey with Mr. MCALEER.

Mr. SOUTHARD with Mr. NORTON of Ohio.

Mr. MORRIS with Mr. MCCULLOCH.

Mr. BULL with Mr. NAPHEN.

Mr. DOVENOR with Mr. CATCHINGS.

Mr. WEYMOUTH with Mr. BROUSSARD.

Mr. SPERRY with Mr. COWHERD.

Mr. POWERS with Mr. BANKHEAD.

Mr. BISHOP with Mr. CAMPBELL.

Mr. WEEKS with Mr. BURKE of Texas.

Mr. REEVES with Mr. SPARKMAN.

Mr. MANN with Mr. CUSACK.

Mr. TOMPKINS with Mr. FOX.

Mr. JENKINS with Mr. GAYLE.

Mr. SPRAGUE with Mr. ROBINSON of Indiana.

Mr. BOUTELLE of Maine with Mr. ROBERTSON of Louisiana.

For the session:

Mr. METCALF with Mr. WHEELER of Kentucky.

Mr. BROMWELL with Mr. MCDOWELL.

Mr. LINNEY with Mr. ROBB, from the 1st to 6th.

Mr. WACHTER with Mr. SMALL, until the 5th.

Mr. GILLETT of Massachusetts with Mr. MCCLELLAN, until the 5th.

Mr. STEWART of New York with Mr. RIORDAN, until the 5th.

Mr. LITTAUER with Mr. RUPPERT, until the 5th.

For this day:

Mr. SMITH of Illinois with Mr. SPIGHT.

Mr. PEARRE with Mr. MAY.

Mr. MONDELL with Mr. MCRAE.

Mr. HEATWOLE with Mr. TATE.

Mr. VREELAND with Mr. SULZER.

Mr. SAMUEL W. SMITH with Mr. QUARLES.

Mr. MORGAN with Mr. VANDIVER.

Mr. KERR with Mr. FITZPATRICK.

Mr. ADAMS with Mr. BERRY.

Mr. BARNEY with Mr. CHANLER.

Mr. CALDERHEAD with Mr. BRADLEY.

Mr. CRUMPACKER with Mr. BRENNER.

Mr. CURTIS with Mr. COONEY.

Mr. COOPER of Wisconsin with Mr. GRIFFITH.

Mr. DAHLE of Wisconsin with Mr. LIVINGSTON.

Mr. MILLER with Mr. HENRY of Texas.

Mr. HAUGEN with Mr. LAMB.

Mr. PACKER of Pennsylvania with Mr. LASSITER.

Mr. PEARSON with Mr. LEVY.

Mr. ROBERTS with Mr. TALBERT.

Mr. HENRY C. SMITH with Mr. TERRY.

Mr. TONGUE with Mr. TAYLOR of Alabama.

On this vote:

Mr. GAMBLE with Mr. POLK.

Mr. MESICK with Mr. NEWLANDS.

Mr. MEYER of Louisiana. Mr. Speaker, I desire to withdraw my vote. I am paired with the gentleman from West Virginia [Mr. DAYTON].

The name of Mr. MEYER of Louisiana was called, and he answered "present."

Mr. BARTLETT. Mr. Speaker, I desire to know if the gentleman from New Jersey [Mr. FOWLER] voted upon the roll call?

The SPEAKER. He did not.

Mr. BARTLETT. I desire to withdraw my vote, as I am paired with the gentleman from New Jersey [Mr. FOWLER].

The name of Mr. BARTLETT was called, and he answered "present."

Mr. ROBINSON of Nebraska. Mr. Speaker, I desire to know if I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. ROBINSON of Nebraska. I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. ROBINSON of Nebraska. I was present on the second roll call, and listening.

The SPEAKER. Was the gentleman listening when his name should have been called and failed to hear it?

Mr. ROBINSON of Nebraska. Yes, sir.

The SPEAKER. Call the name of the gentleman from Nebraska.

The name of Mr. ROBINSON of Nebraska was called, and he voted "nay."

Mr. BOUTELL of Illinois. Mr. Speaker, I heard my name called on the second roll call. I voted on the first roll call.

The SPEAKER. Did the gentleman vote?

Mr. BOUTELL of Illinois. I did.

The SPEAKER. The gentleman is not recorded.

The name of Mr. BOUTELL of Illinois was called, and he voted "nay."

Mr. CANNON. Mr. Speaker, am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. CANNON. I voted on the first roll call, and when I came in at the door I thought I heard my name called.

The name of Mr. CANNON was called, and he voted "nay."

The result of the vote was then announced as above recorded.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GROUT. Mr. Speaker, I call up the report of the conference committee on the District of Columbia appropriation bill. This report is identical with the report filed the other day, except that the item providing for the purchase of a site for a municipal hospital is disagreed to. That report was published in full in the RECORD, page 5622. I suppose, technically, the way the matter stands in a parliamentary sense, all the items are open. Now, I ask that the reading of the full report be dispensed with and the brief statement only of the managers on the part of the House be read.

The SPEAKER pro tempore (Mr. DALZELL). The gentleman from Vermont asks that the reading of the report be dispensed with and that the statement be read.

Mr. WILLIAMS of Mississippi. Before that consent is given, I want to ask the gentleman a question. There was so much confusion I did not hear what the gentleman said was involved.

Mr. GROUT. The purchase of a site for a municipal hospital is disagreed to.

Mr. WILLIAMS of Mississippi. Is that the St. Elizabeth Hospital?

Mr. GROUT. No; the purchase of a site for a municipal hospital. The conferees on the part of the House have disagreed, under the instructions of the House, to that item, and bring in a report to that effect. On all the other items an agreement is submitted precisely the same as the other day. Of course, technically, the whole matter should be read again unless consent is given that we dispense with the reading of the report.

Mr. WILLIAMS of Mississippi. The Senate withdraws upon this particular matter.

Mr. GROUT. No; they insist on the amendment, and the House conferees disagree and have brought in a disagreement. It will all be made plain by the reading of the brief statement of the managers.

Mr. FITZGERALD of Massachusetts. This does not shut off debate?

Mr. GROUT. Not at all.

The SPEAKER pro tempore. Is there objection to dispensing with the reading of the report? [After a pause.] The Chair hears none, and the Clerk will read the statement.

The Clerk read as follows:

The accompanying conference report is identical with that submitted to the House on May 16 last, except that amendment No. 155, appropriating \$100,000 for the purchase of a suitable site for a municipal hospital, is disagreed to. The said conference report was explained in detail as to each of the Senate amendments in a written statement by the managers at the conference on the part of the House, and printed in the RECORD of May 16, 1900, page 6045.

WILLIAM W. GROUT,
HENRY H. BINGHAM,
JOHN M. ALLEN,

Managers on the part of the House.

Mr. GROUT. Mr. Speaker, I move now that the report be accepted by the House so far as the conferees have agreed.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

Mr. FITZGERALD of Massachusetts. Is this matter open to debate now?

The SPEAKER pro tempore. The gentleman from Vermont [Mr. GROUT] has the floor.

Mr. FITZGERALD of Massachusetts. I ask for some time now.

Mr. GROUT. What does the gentleman desire?

Mr. FITZGERALD of Massachusetts. I want to say a few words. I ask for five or six minutes before the report is accepted.

Mr. GROUT. I will yield to the gentleman five minutes.

Mr. FITZGERALD of Massachusetts. Make it ten minutes, and then I will be through.

Mr. GROUT. I will yield the gentleman ten minutes if he desires.

Mr. BABCOCK. Mr. Speaker, in order to bring this matter to a speedy conclusion, I will ask the gentleman from Massachusetts to suspend until this agreement is reached and then there will be plenty of time.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, a great hue and cry has been raised in various sections of this country during the past ten years as to the propriety of Congress making appropriations which some people choose to term sectarian, and in certain sections of the country this matter has been made an issue, with the result that the members of this House, when matters of this kind have been discussed and questions of this nature have come before the House, have voted in accordance with promises made in their district before they came to the House, and not at all in accordance with the principle of justice and fair play which should characterize the proceedings of this body.

I find in the present appropriation bill, which is up for consideration at the present time, in the matter of appropriations for private charities, \$4,000 given to the Women's Christian Association and \$1,000 for the Young Women's Christian Home, organizations and associations which are essentially religious in every particular, and yet no question has ever been raised by this House or by the committee as to the propriety of making those appropriations. No charge of sectarianism has ever been advanced upon the floor of this House against either of these institutions, yet every member must admit that religious teaching and religious training are the essential factors, and justly so, in the work of both these institutions. When it comes, Mr. Speaker, to the appropriation of the small sum of \$1,800 for the St. Joseph's Orphan Asylum and \$1,600 for the St. John's Episcopal Home, a great many of the members seem to feel that some dire calamity is about to take place, and that our institutions are to be torn asunder if these small appropriations are allowed.

Mr. Speaker, while this amount of money is very small, the consequences of the action of this House and the Senate should be

understood by the members of this body. When the Sisters of Charity, or any of the noble orders of women engaged in helping humanity, who are respected and loved by all mankind, are dealt a foul blow by this Congress or by any other legislative body, that blow will be met by every law-abiding citizen of this country; it will be met by every Catholic in the United States who is made to feel that in discriminating against these sisters an unjust distinction has been made against the members of that church.

Mr. Speaker, what is the condition of affairs here in this District? There is a man occupying the position of superintendent of charities who is, in my opinion, one of the meanest bigots in the United States. This man submitted a report in 1898 on the charities of the District at the expense of the people of the United States, the cost of the printing and binding being paid by the Catholics as well as the Protestants of this country. This man Lewis, who ought to be tarred and feathered, and who would be if he lived in certain communities in the United States, undertook an analysis of the teachings in the St. Joseph's Orphan Asylum, and treated with scorn and contempt the doctrine and practice of the Catholic Church.

This document, which forms a part of the report of the Commissioners of the District of Columbia, contains statements which I will not dignify by reading to the House, but these quotations, with his insulting comments, can be found on pages 221 and 222 of the report of the District Commissioners of 1898. On page 220 of this same report is found this impertinent criticism of the school: "The teaching is mechanical and shows lack of training." A little further on he sarcastically adds that "one of the best rooms in the institution is fitted up as a chapel." Just think of criticisms of this kind in a public document. He has rendered a gratuitous insult to every Catholic in this District.

Mr. Speaker, as I said a few moments ago, no civilized community in this or any other country would tolerate the continuance in office of this man for twenty-four hours, yet this is the individual to whom the orphans of the District of Columbia look for protection. This is the man to whom this House of Congress has turned over the care and custody of the orphan children of this great city. It seems to me that if this subcommittee who have had this matter in charge had investigated this problem as it should have been investigated no such authority would be given to any such small, mean character as this man has proven himself to be.

To whom must we look to protect these children, to guide them, to bring them up as they should be brought up? The board of children's guardians. What institution do they support? An institution over here in Georgetown, where I believe children remain three or four weeks, and whether the child is a child of Catholic parents or not, I understand he or she is compelled to attend service in the Protestant church every Sunday, and I am informed that no Catholic priest is allowed to enter this home. Yet, Mr. Speaker, this is a nonsectarian institution! Mr. Speaker, these children are taken by this man Lewis to be placed in suitable homes in different parts of the country; and with a man of his narrow views and prejudices what guarantee is there that a child of Catholic parents will be placed in a Catholic family?

The members of this House, I think, will agree with me, if a child of Catholic parents is turned over to the board of children's guardians to be placed in a home that some effort should be made to find a Catholic family, but with this man Lewis in charge no such practice will ever be carried on.

Scant attention has been given by Congress to the interests of the Catholic Church. This kind of legislation was enacted in Germany for a long term of years until within comparatively recent years what is known as the Catholic Party sprang up, and they made themselves a power in every community. And if this kind of legislation is carried much further in this country something of that kind—although I hope it may never come to pass—will eventually arise here.

The Senate made this appropriation. The House until the matter came in on the conference report never had a chance to vote on it. The gentleman from Mississippi [Mr. ALLEN] favored it; the gentleman from Vermont [Mr. GROUT], the chairman of the committee, and the gentleman from Pennsylvania [Mr. BINGHAM] did not want it. The gentleman from Pennsylvania, coming from the large city of Philadelphia, in whose district there are hundreds of thousands of loyal Catholics living to-day, honest and law-abiding citizens, comes in, and by his vote on this House committee takes that \$1,800 from these poor orphans, from these Sisters, who will be compelled for the next year, in taking care of the orphan children of this District, to go to the market, to the clothing store, and to merchants here in Washington begging a mite, in order that these children may be allowed to enjoy a scanty living.

Now, Mr. Speaker, all I ask is fair play. This matter was voted unanimously and without any objection on the part of the Senate; it came over here, and, as was the case last year, two men have decided what the purpose and policy of this House is going to be. Mr. Speaker, to strike in the dark at institutions of this

kind is no way to deal with this problem. These Sisters are cloistered up within the walls of that institution. They are shut out from the world and have nobody to stand up for them and protect them; they are consecrated to this kind of life, and underhand work of this kind is not fair dealing with them.

It seems to me pretty small business on the part of the Congress of the United States to refuse this appropriation of \$1,800. I wish, Mr. Speaker, that the Committee on the District of Columbia would make some little investigation as to how these institutions are run. From the report of this year submitted by this same superintendent of charities, I find that the Reform School for Girls last year cost \$11,995; that the daily average of inmates was 26, and that it cost four thousand and odd dollars for salaries for officials to look after these 26 inmates. The average cost to the District of Columbia for taking care of those 26 girls was \$481.75. The Reform School for Boys costs the Government \$208 per capita. Yet, in these private institutions, Mr. Speaker, the cost in the House of the Good Shepherd was \$32.15; the St. John's Orphanage, which is an Episcopalian institution, \$21.65, and in St. Joseph's Orphan Asylum, a Catholic institution, \$20.93.

In this connection I desire to submit at this time a short extract from the report of St. Joseph's Orphan Asylum for the past year:

Orphans are received at St. Joseph's irrespective of creed, and are chiefly from the city and District, including St. Ann's Asylum. There are in the house at the present time a number of children who are the sons of Union soldiers, as well as a number of Protestant children, some placed here by the police and others by relatives of the deceased parents. Children leave the asylum at the age of 13 or 14 years, at which age there is no difficulty in finding suitable homes for them. Many of our boys are in stores throughout the city and are doing well. The health of the children has been remarkably good, there having been but six deaths in the asylum during the past twenty-five years.

Our board of trustees is composed of Catholics and Protestants, and the asylum stands at all times open to inspection, not only by authorized agents but by any one interested in the care of orphan children.

I also desire to present to the House a statement on charities in the District, addressed to the Senate Committee on the District of Columbia, submitted by some of the most prominent members of the Washington Board of Trade:

WASHINGTON BOARD OF TRADE.

Washington, D. C., March 10, 1900.

The Committee on Charities and Corrections.

SIRS: We have the honor, as the subcommittee appointed at the meeting of the committee held on January, 1899, to present the following report:

Upon investigation we find several of the charitable institutions of our city in great distress because of lack of funds to successfully carry on their work. This is mainly due to the act of Congress passed June 30, 1897, and put into effect June 30, 1899, according to which no money for charitable purposes in the District of Columbia is paid to any institution under sectarian or ecclesiastical control. By this act the following institutions were cut off from government aid: (1) The House of the Good Shepherd, (2) The Association of Works of Mercy, (3) St. Rose's Industrial School, (4) The Church Orphanage of St. John's Parish, and (5) St. Joseph's Male Orphan Asylum.

This act of Congress has worked great hurt to all these institutions. Most worthy in all respects, long established, with a noble record of good deeds, and having every facility to carry on their respective work along the most practical and economic lines, instead of having all government aid violently and utterly cut off from them, we believe they should receive encouragement and aid, as they care and provide for a large number of children who otherwise would be an expensive present public charge, with danger to each of being led into lives of pauperism and perhaps of wrongdoing.

It will be found by comparing the above-named private charities with like work carried on under Government control, that it cost the Government in public institutions a great deal more per capita than in private institutions. For example, compare the two female institutions—the Reform School for Girls and the House of the Good Shepherd. The former received an appropriation of \$11,025, for which sum 39 girls were cared for during the year, or a daily average of 26, exclusive of officers and employees. The annual cost per capita was \$421.75, or a daily cost of \$15. To the House of the Good Shepherd the Government gave, by appropriation, \$2,700, by which aid the number of inmates cared for during the year was 117, or a daily average of 54, exclusive of officers or employees, being at an annual cost to the public per capita of \$23.15, or a daily cost of less than 10 cents.

In reference to child-caring institutions we find the Government appropriated for the Boys' Reform School an amount equal to \$208 per annum for each inmate. Further, there is a contract with William H. H. Hart for the placing on his private farm near Fort Washington, Md., a number of colored boys (not less than 60), for the care of whom he is to receive \$210 each per year.

Against this the same report shows that St. John's Church Orphanage cared for during last year 110 children, a daily average of 83, this with the aid by the Government of only \$1,800, making the cost of each of these to the public of \$41.01 per capita per annum. At St. Joseph's Male Orphan Asylum there were 117 boys cared for during the last year with a daily average of 99; the Government aid to this institution was only \$1,800, making the cost to the public of these needy children only \$29.51 per capita per annum.

The above statement shows that the cost to the Government of boys committed to reformatories and private unsectarian institutions is nearly five times the sum for which these institutions, thus cut off from Government aid, were doing almost identical work.

The contract with Mr. Hart to entertain sixty colored boys at the rate of \$210 each per annum will amount to \$12,600.

The amount denied by the Government to the five institutions now cut off, as above stated, is as follows:

	Inmates.	Amount.
The House of the Good Shepherd	117	\$2,700
Association of Works of Mercy	31	1,800
St. Rose's Industrial School	66	4,500
St. John's Church Orphanage	110	1,800
St. Joseph's Male Orphan Asylum	117	1,800
Total	441	12,600

Giving needed aid to sixty colored boys is not complained of, but it should not be done at the expense of 441 unfortunate white orphans and children.

While it is necessary to have prisons and reformatories under Government control in order to punish and confine the vicious, is it well to have innocent children or the unfortunate thrown on the streets to be in danger of being finally sent to penal institutions, reformatories, or poorhouses? There is at least no economy in this, looking at the proposition from the low standpoint of the dollar. This is a subject of interest to every intelligent and fair-minded citizen, particularly to the taxpayer, from whom the means of maintaining all these unfortunate and other classes must come.

The District of Columbia bill is now before Congress for action. Your committee believes it wise from every point of view that, under powers of visitation by the proper officials, the small sum heretofore annually appropriated to the institutions named should be contributed—at least for a term of years to enable them before the expiration of the term to either seek new sources of aid or else transfer their respective tasks to other and more resourceful institutions.

Respectfully submitted,

WM. F. DOWNEY, Chairman.
W. W. BURDETTE.
S. W. CURRIDEN.
C. H. RUDOLPH.

B. T. JANNEY,
Chairman Committee on Charities and Corrections.

This statement speaks for itself, and is signed by Catholics and Protestants alike.

It ought to convince every member of this House that the best and most economical way of taking care of these children is to vote these appropriations. I feel that this will not be done. There are so many men in this body who are afraid to do scant justice to any proposition where the Catholic Church is involved. I am going to delve a little into history to show that the interest of the Catholic Church in aiding all classes of unfortunates is not of recent origin.

The Catholic Church has ever been the friend of humanity. She has always held human life as a thing absolutely sacred from the first moment of its existence to the last breath of decaying old age. She has dealt through many centuries with all classes of men, with all grades of civilization, in every part of the habitable world; never has she belied herself in her legislation or in her practices as to the sacredness of human life. Look into her law books, in which have eventually been codified the practices that she followed from the beginning, and you will find that wherever it is a question of the origin of human life, its sources, its preservation or contamination, the character of marriage, the crime of suicide, her dealings with physicians, both individually and as organized teachers, she has never substantially varied from herself.

I do not deny that, in the long course of now well-nigh twenty centuries, we shall find on the part of Catholic Christians—nay, even of Catholic churchmen called to and qualified for the highest and noblest offices known to mankind—many a human weakness, many a shameful and disgraceful folly, even what we may look upon to-day as temporary insanities. But all these are exceptions, notoriously against the spirit and the teachings of organized Catholic Christianity, loudly repudiated by the teachings of the Holy See and the Catholic episcopate. As a matter of fact, there does not exist to-day, and has never existed in the world, any society which has so well deserved of humanity in general, of all organized society, as the Catholic Church. She has watched over it from the cradle to the grave; she has fought tenaciously every one of the monstrous and horrid abuses that threaten it in its inception, in its progress, and in its ending. Whether these abuses came from the act of the individual or from the family authority, or from the still higher authority of the State; whether they were gross abuses of the civil power or anti-natural customs of paganism, or of the refined but no less dangerous teachings of schools and academies gone astray, the Catholic Church never lost the sense of her duty toward humanity, nor the courage to proclaim the details of that duty, nor the skill to exercise it as often as occasion or opportunity offered.

The great emperor-lawyer, Justinian, bore witness from his throne to the merits of the Catholic priesthood in all that pertains to the care and preservation of human life. He has put down these words in his immortal code:

It is a serious injustice to put obstacles in the way of those who undertake, in the name of God, to support and educate those children who have been deprived of parents or fortune.

Would that all who listen to me would be filled with this sense of justice and respect! Would that they could appreciate in the same degree the noble endeavors of those good men and women who, in the course of time, have succeeded to the care and protection of poor, abandoned, and orphan children.

Now, all laws like the laws from Constantine to Justinian were inspired by the Catholic hierarchy, and executed by the priests and monks as well as by the noble women who even then devoted their lives to God and the welfare of humanity. There is little union or concord to be found in the primitive mediæval States, but one set of institutions can be found everywhere, because they were created by that force which was alone universally recognized and beloved—the Catholic Church. These institutions are the hospitals, the asylums, and the refuges into which the miserable and wretched and helpless of humanity could gather themselves when there was nowhere else shelter or protection or respect.

It was a Catholic priest who first organized in the modern sense the care of the orphans of a nation. In the latter half of the seventeenth century St. Vincent de Paul caused the creation at

Paris in the Hotel Dieu of sections especially devoted to the children whose parents had been lost or impoverished by the wars, famines, and pests that ruined France in his time. To him we owe the creation of the institute of the Sisters of Charity, whose merits and virtues have been sung, like those of Vincent, equally by the Protestant Whittier in his noble poem "The Angel of Buena Vista," and by the Catholic Gerald Griffin. In a very special manner Vincent de Paul may be said to be the parent of all modern devotion to the orphans and abandoned children. But it was no new thing that he did in Catholic France. For more than two hundred years before him the canons of Notre Dame Cathedral were wont to look after the abandoned children of Paris. It was largely owing to their efforts, and the efforts of the French clergy in general, that the nobles and the towns recognized their responsibility in the matter of children deprived of parental care. And while all these efforts were going on in favor of the poor orphaned, abandoned children, thousands of parish churches were recognizing their obligations and making provision for the care of local orphans. All this work was usually in the hands of religious sisterhoods created for it, and was independent of the numerous Catholic hospitals in which children were often accepted and cared for.

In time the noble charity of the canons of Notre Dame developed into the magnificent undertaking known as the "Maison de la Couche," in which for centuries French Catholic charity gave the example and the impulse to all the nations of Europe. Thousands of unfortunate children were regularly taken into this noble establishment that kings like Louis XIV delighted to patronize and endow, and in whose service the bluest blood of France was not ashamed to be seen. In 1773 the Parliament of Paris recognized the incalculable benefits of this enterprise, and paid the sisters in charge the compliment that they had conducted it more economically, more loyally, and more religiously than would have been possible to any other body of women, however devoted. This splendid charity was the forerunner of many similar ones created by Catholic generosity, and which have won the admiration of all who have seen them.

It was only in the middle of the last century that rich England arose to the need of a founding hospital in London. The founders were obliged to imitate the Catholic creations in Paris, Lisbon, and Venice, but they did it from afar, and neither in their management nor in their liberality have the child institutions of England ever approached those of the Catholic continent. When there were few or no institutions for the care of children in England, Paris alone in the last century could show nearly a dozen, in each of which from forty to a hundred of both sexes were cared for by religious women to the great welfare of the State. In one of these, for example, the Orphanage of the Trinity, that lasted six centuries, from 1202 to 1789, trades were taught the boys. In nearly all dowers were provided for the girls, so that these unfortunates should not begin life under adverse circumstances.

I think I have said sufficient to show that all our modern charities have their impulse, their origin, their models, and their traditions in Catholicism.

There is no training for the young like religious and moral training. I shall never object to any appropriation which provides for the orphan and destitute, no matter what form of religious teaching may go with it.

Christianity is the basis of all civilization, and if our institutions are to be preserved we must foster in the minds and hearts of the youth of to-day the teaching and precepts of religion.

President Eliot in a speech delivered in Chicago a short while ago said, except in the Roman Catholic churches the attendance of church goers was becoming smaller every day. This is to be accounted for by reason of the absence of religious teaching nowadays to the young, and the consequent growing up of the youth of the present generation in an atmosphere of materialism and infidelity.

The divine origin of civil power has always been upheld by the Catholic Church, and she has always condemned disobedience, disloyalty, and revolution against legitimate authority. Love of order, respect for rightful authority, and obedience to just laws is the battle cry of the ministry of the Catholic Church.

Blessed with these weapons the priest has moved from one section of this broad land to the other, evangelizing and ministering to the wants of mankind until the adherents of the Catholic Church number millions, where a few short years ago they were counted by the thousands.

On every hillside, in every village square, and on every city street you can find her churches, her schools, her asylums, her academies, and her hospitals open and ready to do God's work in the uplifting of humanity and in the progress of the human race.

Why, then, does this intense opposition to her interests spring up? This nation grew out of communities nurtured in prejudice and bigotry, and it has not gotten away entirely from these influences. It seems to obtain such a hold on otherwise sound-reasoning

and well-balanced minds as to completely obliterate all sense of justice and fair play.

It is hard for a great many men who are members of this House at the present time to admit a truth which they have always been taught to deny, but every man here must realize that no influence is as potent in advancing civilization and preserving law and order in this country to-day as is the Catholic Church.

In the great fight that is coming on between faith and agnosticism, the boy and girl of the present generation must bear the brunt of the battle, and how poorly will they be equipped to meet the deadly enemy of civilization and Christianity if the policy insisted upon by this House prevails.

The progress of that false civilization which worships God and seeks every luxury and convenience, regardless of the welfare of mankind, is bound in the end to sow the seeds of unbelief and irreligion, and cause direful results to all humanity.

Public worship in a nation is necessary unless godlessness is to be the foundation of society, and the teaching of all history is against this doctrine. Nonsectarianism is idle to talk about. There can be no such thing as nonsectarianism. Look around you in the city of Washington and examine the different churches that abound in every square.

Is there one of them that does not teach some particular form of worship and attach a different significance concerning the teachings of the Bible? Where is there in all this continent a meetinghouse where this common religion is taught and what are its beliefs?

No man who advocates this doctrine belongs to a nonsectarian church himself, because as soon as he does he lays claim to a special form of worship and at once establishes himself as belonging to a sect.

Nonsectarianism is but another name for irreligion. I wish to quote here the significant words of the Protestant writer, Frederick Stokes, in his preface to Maitland's Dark Ages.

To-day Christianity itself is menaced. We are face to face with a new phenomenon in the intellectual history of Europe—a religion without a God. Infidelity has developed into materialism, and materialism propounds to the world a philosophy which shall explain the mysteries of the past and the future, which shall guide the thoughts and the wills of men, but in which a Creator has no place. Man, according to the new Gospel, is a combination of chemical and physical atoms produced by evolution and dissolved by death. The moral effects of such a creed, when once established—and it is spreading daily—can not but be disastrous. For without God there is no morality and no civilization, no joy in the past, no peace in the present, no hope for the future. Let us eat and drink, for to-morrow we die, and death is the end of all things.

And this modern materialism comes upon us not as other religious movements have done, with blare of trumpets and beat of drum; rather it steals upon men's minds like some poisonous malaria begotten of polluted river or unwholesome marsh, asphyxiating the conscience and corroding the intellect so that men find that faith is dead before they were conscious that it was in danger. Moreover, the germ of it is in every man's heart, from the theologian, watching with perplexed spirit the perennial waves of human folly and misery, to the peasant sullenly gazing at his empty platter and fireless grate, and its spread is helped and furthered by the social and economic miseries of the times. More and more the great landlords and labor lords are eating up the people as men eat bread, and grinding the faces of the poor. More and more the wealth of Europe, scanty in proportion to the needs and numbers of her population, is being garnered into the cellars of the banker and the safes of the usurer. More and more money is used not to satisfy the legitimate needs of humanity, but as coins in a vast system of public gambling, as bait for the unwary, as the minister of a luxury upon which Caligula might have looked with envious eye. It has been said, and said truly, that the rich are growing richer and the poor poorer, and this, coupled with the spread of democratic institutions, is tending to a perilous state of things when wealth is in the hands of the few and political power in the hands of the many.

It is an undeniable fact that the rulers of Europe to-day rely more on the patriotism of the Catholic body to stay the advance of communism and anarchy than any other influence. It can not be doubted that irreligion is increasing in certain portions of this country.

These doctrines, if allowed to prevail, will result in communism and anarchy and end in desecrated homes, faithless peoples, and Godless States. Christian society and Christian civilization would go to the wall and the devil; the world and the flesh would once more be triumphant. Every day we see recorded in the press lengthy articles doubting the existence of a Supreme Being; sophistry calls into question the existence of a God; yet Congress chooses to strengthen, rather than weaken such tendencies.

The Catholic Church has always been the staunch defender of the poor and oppressed, the wise dispenser of knowledge and learning, and the ever-watchful guardian of righteous enlightenment. Countless of her martyrs have died upon the cross to vindicate her teachings in truth, justice, and Christian morality. [Loud applause on Democratic side.]

Mr. GROUT. I yield to the gentleman from Pennsylvania [Mr. BINGHAM] two minutes.

Mr. BINGHAM. Mr. Speaker, I was unable to understand the honorable gentleman's reference to myself in connection either with my action as a Representative from the State of Pennsylvania, where there are a large number of loyal Catholics, as I believe the gentleman expressed himself or the gentleman's reference to me as a member of the Committee on Appropriations. As a

Representative of my district upon this floor, or of my State, I shall at all times take care of myself. As a representative of this body in a conference committee, I shall endeavor to represent the House. I was governed, if it is necessary for me to state, by what I considered to be a direction, so far as the act of March 3, 1897, runs, in my determination in conference. I will ask the Clerk to read that part of the general law which I have marked, and upon that I rest my case. Should the House determine to instruct their conferees other than the conferees have believed themselves instructed, that is for the House to do. That the gentleman can move, and upon that question I will vote as a Representative from my State; and as a conferee of this House I will obey the instructions of the House.

Mr. FITZGERALD of Massachusetts. Will the gentleman allow a question right there, please?

Mr. BINGHAM. Certainly.

Mr. FITZGERALD of Massachusetts. The gentleman calls attention to the law of 1897. I should like to ask him, if he construes the St. Joseph's Orphan Asylum as a sectarian institution, in what class does he include the Women's Christian Association, and the Young Women's Christian Home, both of which institutions have received appropriations in this bill?

Mr. BINGHAM. Do you mean that they are charities included in the bill?

Mr. FITZGERALD of Massachusetts. They are private charities that are contained in the bill.

Mr. BINGHAM. The House itself put them in.

Mr. FITZGERALD of Massachusetts. The gentleman was on the conference committee.

Mr. BINGHAM. That paragraph was not in conference. The House itself put that paragraph in. Your conference committee had nothing to do with that paragraph of the bill.

Mr. FITZGERALD of Massachusetts. But the gentleman from Pennsylvania must admit that before this matter was brought to the attention of the House at all he voted against allowing the Senate provision for St. Joseph's Orphan Asylum and for St. John's Home to remain in the bill. He voted against those institutions in the committee of conference before he received any instructions from this House.

Mr. BINGHAM. Whatever may be my record in the House, it is there. I am not disposed to question my record, nor, I suppose, is the gentleman. The House put the other charities in the bill.

Mr. FITZGERALD of Massachusetts. The Senate put in the charities appropriation to which I refer, and the gentleman from Pennsylvania [Mr. BINGHAM], by his vote in the conference committee, struck them out.

Mr. BINGHAM. It was not in conference. The two Houses have agreed upon that paragraph. Now they bring a report on other matters to this House. The gentleman has a right to move concurrence or nonconcurrence, and your conferees will be governed by the judgment of the House.

Mr. FITZGERALD of Massachusetts. The point I wish to make to the House is that the gentleman from Pennsylvania, before any conference report was submitted to the House, voted as a member of that conference committee to strike out the appropriation for St. John's Orphan Asylum, an Episcopalian institution, and the St. Joseph's Home, a Catholic institution, and that report was accepted by the House.

Mr. BINGHAM. The conferees of the two Houses agreed without any regard to how the gentleman from Pennsylvania voted in conference. The gentleman from Massachusetts knows nothing about what the vote was in conference. He is jumping to his own conclusions. The "gentleman from Pennsylvania" has no defense to make. He is at this moment the organ of the House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GROUT. Mr. Speaker, with reference to these two items concerning which the gentleman from Massachusetts [Mr. FITZGERALD] has submitted some remarks, the House will, of course, remember that they acted specifically on them the other day and ordered the conferees to agree to them.

Mr. BINGHAM. Why, of course.

Mr. GROUT. Which we did, and brought in a report accordingly.

Mr. FITZGERALD of Massachusetts. I desire to have this subject properly understood by the House. This matter was a subject of conference on the part of the conferees of the House and Senate before the matter was brought into the House at all. When that conference was held the Senate asked that these appropriations be included in the bill; but the members of the House voted against the continuation of the appropriation, and insisted upon their being stricken out. Is not that the fact? So that when the report came before the House, these appropriations had already been stricken out.

Mr. GROUT. Mr. Speaker, it is hardly correct to speak of "con-

tinuing" the appropriation, because it is not in the current law. It was left out of the last bill.

Mr. FITZGERALD of Massachusetts. I do not say these appropriations are included in the current law. The point I want to emphasize before the House is that these appropriations were stricken out, presumably because they were sectarian institutions, when the same bill carries a \$4,000 appropriation for the Young Women's Christian Home and \$1,000 for the Young Women's Christian Association.

This is hypocrisy, pure and simple, and I wish the facts known to the country, so that the people can see what institutions Congress terms sectarian and what institutions are nonsectarian. If St. Joseph's Orphan Asylum was not a Catholic institution, engaged in bringing up the orphans of this District in the faith of their fathers and mothers, no objection would ever be made to this appropriation.

Mr. BINGHAM. One moment. In my colloquy with the gentleman from Massachusetts [Mr. FITZGERALD] I failed to have the Clerk read the paragraph of the law that I sent to the desk. I ask that it be now read.

The Clerk read as follows:

And it is hereby declared to be the policy of the Government of the United States to make no appropriation of money or property for the purpose of founding, maintaining, or aiding by payment for services, expenses, or otherwise any church or religious denomination, or any institution or society which is under sectarian or ecclesiastical control; and it is hereby enacted that, from and after the 30th day of June, 1898, no money appropriated for charitable purposes in the District of Columbia shall be paid to any church or religious denomination, or to any institution or society which is under sectarian or ecclesiastical control.

Mr. GROUT. Now, Mr. Speaker, I ask for a vote on the motion to concur.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, just a question of inquiry at this time. Is it competent for the House now to vote down this report and send this matter to conference on this question of appropriations for charities?

The SPEAKER pro tempore. The entire report will go back if the House so votes.

Mr. FITZGERALD of Massachusetts. Is there any way in which a separate vote can be obtained on these amendments after the House has given one instruction?

Mr. GROUT. We had a separate vote on this very amendment the other day.

The SPEAKER pro tempore. The only way in which that could be done is by voting down the conference report.

Mr. STEELE. I think there is a misunderstanding. The question the gentleman from Massachusetts [Mr. FITZGERALD] speaks of was disposed of here the other day. What we do here now will have nothing to do with that question.

Mr. FITZGERALD of Massachusetts. We can certainly vote down the conference report if we wish to do so.

The conference report was agreed to.

Mr. BABCOCK. Mr. Speaker, I understand that there is only one item in the District bill that is not agreed to, and I rise to this parliamentary inquiry: If the House concurs in the Senate amendment, will that pass the bill, I ask the gentleman from Vermont?

Mr. GROUT. The gentleman refers to this item of constructing a municipal hospital.

The SPEAKER pro tempore. If the House recede and concur that will pass the bill.

Mr. BABCOCK. Then I move that the House recede and concur in the Senate amendment.

Mr. GAINES. Let the proposition be reported.

The SPEAKER pro tempore. Without objection, the proposition will be reported.

The Clerk read as follows:

Amendment 155, page 46, after line 12 insert:

For the purchase by the Commissioners of the District of Columbia of not to exceed 10 acres of land in the District of Columbia for a municipal hospital, \$100,000, or so much thereof as may be necessary.

Mr. BABCOCK. Now, Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Vermont desire to be recognized? The Chair will hold the gentleman from Vermont is entitled to the floor.

Mr. GROUT. I will yield to the gentleman, if it be necessary.

Mr. BABCOCK. I renew the motion. I understood I was recognized by the Chair. I will move that the House recede and concur in the Senate amendment.

Mr. GROUT. The question is whether the gentleman is entitled in his own right.

The SPEAKER pro tempore. That does not take away from the gentleman control of the bill.

Mr. BABCOCK. Am I recognized to renew that motion?

The SPEAKER pro tempore. The gentleman is recognized.

Mr. GAINES. I would like to ask the gentleman from Vermont, before the gentleman proceeds, if this appropriation of \$100,000 is for the land that was under discussion when this bill was before the House.

Mr. GROUT. I think the gentleman refers to the Government asylum. This has nothing to do with that proposition at all.

Mr. SHAFROTH. What became of that item?

Mr. GROUT. It was defeated in the House and Senate both.

Mr. PAYNE. The House succeeded in getting that asylum item out, and the fight is to be made on this other one.

Mr. BABCOCK. Now, Mr. Speaker, if I can have the attention of the House for a few moments, I would like to explain this proposition, which is one that should not have an antagonistic vote when thoroughly understood.

Mr. Speaker, I hold in my hand a report made by a joint commission of the Senate and House in 1898. That report was made by Senators McMILLAN, Faulkner, and MARTIN of Virginia, and by Messrs. Pitney, Northway, and Dockery, of the House.

Mr. GAINES. Was the report unanimous?

Mr. BABCOCK. This report was unanimous. In this report they take up the whole subject of the charities in the District of Columbia. Now, the first recommendation that they made was that a board of charities should be appointed that would handle all the charitable institutions in the District of Columbia.

I will state to you that in line with that recommendation the House passed a bill which provides for a board of charities, consisting of five members, to be appointed by the President. That is now a law. This board of five will have charge of all the charitable institutions of the city. They further discussed the question of the hospitals which are being supported by the Government; and I want particularly to call your attention to this part of it, gentlemen, for it is important, and this appropriation is in line with this report and carries out the plan which has been agreed upon by the committee of both Houses to handle the whole matter in the future. Now I want, in the first place, to call your attention to the Freedmen's Hospital, which it is proposed we should do away with. They have a capacity of 135 patients, and the average number of inmates is 137. The appropriation by the Government is \$54,000.

You will notice that this is enormously expensive—something over \$100 for each patient. Why, Mr. Speaker, over here at Providence Hospital, one of the grandest institutions in America, they are supporting to-day 160 charity patients for an appropriation of \$19,000. The understanding when this appropriation was made was that it pays \$200 a year for each of 95 patients. Sister Louise, who has charge of the hospital, informed me yesterday that there are, in fact, 160 charity patients, for which they are getting 55 cents a day for medical care, attendance, board, and everything else for 95 of them, and nothing for 65. Now, this Freedmen's Hospital, which is so very expensive to the District, it is proposed to dispense with. Then we have the Washington Asylum Hospital, with a capacity of 75. Now, this hospital is connected with the poorhouse, and most of its patients come from the poorhouse and are supported entirely by the Government.

Now, the third and most important is the Columbia Hospital for Women. This hospital was established in 1866, and no patients are admitted except women. The normal capacity is only 60; and with a capacity of only 60, the average number of cases is but 41, and the cost per annum \$597. The appropriation is \$20,000, which is 85.75 per cent of its expenses. This property is located on Pennsylvania avenue, near Georgetown; and I am advised by the Commissioners of the District and real estate experts that if placed upon the market it would bring about \$300,000. The hospital itself is old and can not be remodeled.

Now, the Commissioners ask for \$100,000 to purchase a site. The Senate Committee on Appropriations has agreed to it, the District Committee in the Senate has agreed to it, the Committee on Appropriations in the House has agreed to it, and the Committee on the District of Columbia, of which I am a member, I am sure is in favor of it. I have not been able to see or talk with all of the members of the District of Columbia Committee, but I think I can speak authoritatively for four committees—two in the Senate and two in the House—who are in favor of carrying out this project. Now, the proposition is to appropriate \$100,000 to buy a suitable site for the erection of a hospital, a municipal hospital to be entirely under the control of the government of the District of Columbia.

It is contended that with a properly and modern built hospital these enormous appropriations which are being made for other hospitals will be reduced 50 per cent. Not only that, but the ground on which Columbia Hospital now stands will pay for a large part of the improvement. Now, I want to call your attention to the appropriations for these various institutions: Garfield Hospital, \$19,000; Providence Hospital, \$19,000; Emergency Hospital, \$15,000; Columbia Hospital, \$20,000; Freedmen's Hospital, \$54,000; Homeopathic Hospital, \$8,500; Children's Hospital, \$10,000; Home for Incurables, \$2,000; Eastern Dispensary, \$1,000; Women's Hospital, \$500; Washington Asylum, \$20,000; physicians to the poor, \$10,400.

Mr. DOLLIVER. Will the gentleman allow me a question?

Mr. BABCOCK. Certainly.

Mr. DOLLIVER. Will the purchase of the new site and the erection of a new hospital enable the Government to abandon its interest in the various hospitals you have mentioned? Is it possible to concentrate in one institution all the great variety that we are appropriating for?

Mr. BABCOCK. Yes; I think so. Now, these three hospitals—the particular ones for which the Government is appropriating all the money they receive, \$94,000 a year—are the Columbia, Freedmen's, and almshouse hospitals. The Providence Hospital, which takes care of 160 patients, has an appropriation of \$19,000 a year. They are doing a magnificent work. I never saw a better institution in my life than that hospital.

Mr. PAYNE. Then the private hospitals do the work better and at a much less price than those controlled by the Government.

Mr. BABCOCK. The Government is not paying for what it is getting at the Providence Hospital. It is being done by the Sisters for the Government, and the Government does not pay what it costs.

Mr. PAYNE. The Government pays for 85 beds.

Mr. BABCOCK. Ninety-five.

Mr. PAYNE. It is 85.

Mr. BABCOCK. I beg the gentleman's pardon.

Mr. PAYNE. It is \$200 a bed. In other words, the Government can get them taken care of for \$200, while in every Government hospital it costs four or five times that, according to your own statement.

Mr. BABCOCK. I made no statement of that kind. I do not know where it costs any such sum. They are taking care of 160 patients for \$19,000.

Mr. PAYNE. You have made statements of what it costs at other hospitals, and it amounts to a much larger sum than \$200, which we are paying at the Providence Hospital.

Mr. BABCOCK. Why, Mr. Speaker, at Columbia Hospital, where they are occupying ground worth \$300,000, they only have 41 patients, and the attendants exceed the patients by more than 10 per cent.

Mr. PAYNE. That is under the control of the Government?

Mr. BABCOCK. It is under control of the Government.

Mr. PAYNE. That illustrates my point exactly. It costs more to run a little hospital, when you can get it done at a private hospital for \$200 a bed.

Mr. BABCOCK. The gentleman's statement is entirely misleading. Providence Hospital takes care of a larger number of patients.

Mr. GAINES. At how much a patient?

Mr. BABCOCK. The Government pays \$200 a bed.

Mr. GAINES. Will the gentleman allow me a question?

Mr. BABCOCK. Certainly.

Mr. GAINES. What appropriation, if any, has been made in this bill to carry on the hospital or headquarters or hotel, down beyond the Capitol here, where the Union soldiers come for treatment and to look after their pensions and things of that sort?

Mr. BABCOCK. Does the gentleman mean Providence Hospital?

Mr. GAINES. I do not know whether that is the hospital or not. I do not know the name of it. It is a headquarters where the old soldiers come and where, by the by, no soldiers can be received except the Union soldiers—the soldiers of the civil war. Soldiers who have been engaged in the Cuban or Philippine war are not allowed to stop there.

Mr. BABCOCK. Is it a hospital or a hotel?

Mr. GAINES. It looks like a hotel. I ask the gentleman who is chairman of the District of Columbia Committee to state how much we appropriate for it in this bill.

Mr. BABCOCK. I have not charge of the District appropriation bill; that belongs to the Appropriations Committee.

Mr. GAINES. Does the gentleman know whether the law has been changed so as to allow soldiers of the recent war to go there?

Mr. BABCOCK. I do not know; the matter has not been brought to my attention.

Mr. STEELE. I think I can answer the gentleman from Tennessee. The institution to which he refers is supported by a fund contributed by the old soldiers themselves, and the Government agents here assign them places in that institution.

Mr. GAINES. I was there, once upon a time, and the gentleman in charge told me that under the law that institution was supported by appropriations of the Federal Government, a certain sum being appropriated from time to time to carry it on. I made an investigation and found out these facts. I found that those in charge refused to allow a soldier who had been injured in the Cuban war, and who was here for treatment, to stay all night in that institution; and he was turned out of doors when the snow was 3 or 4 feet deep.

Mr. HULL. The institution to which the gentleman refers is a Regular Army Home, supported by contributions of soldiers of the Regular Army.

Mr. BABCOCK. It is not a hospital, I understand, in any sense.

Mr. GAINES. They turned that man out in the snow, because the law would not allow them to admit anybody but a Union soldier.

Mr. WILLIAMS of Mississippi. As I understand, the institution is supported by the contributions of soldiers of the Regular Army?

Mr. HULL. Absolutely.

Mr. WILLIAMS of Mississippi. And the United States does not pay a dollar toward maintaining it.

Mr. GAINES. It is evidently controlled by officers of the Government, one of whom stated to me that under the law he was compelled to turn that soldier, who was on crutches and in a bad fix, out into the snow; he was turned out and came up to my room and told me the facts.

Mr. HULL. It is a Regular Army Home supported by contributions of soldiers of the Regular Army; and volunteer soldiers have no right there.

Mr. GAINES. The gentleman can not have in his mind the institution of which I am speaking. The man in charge had the bearing of a military man and was evidently trying to have everything his own way.

Mr. WILLIAMS of Mississippi. Was it not an institution conducted by the Grand Army of the Republic?

Mr. GAINES. It is controlled by the Federal Government and under the charge of an officer who thought he was the Government, and the Government makes appropriations to run it.

Mr. COOPER of Wisconsin. I would like to understand what provision is made in this report for the sale of the property owned by the Government to which the gentleman from Wisconsin [Mr. BABCOCK] has been referring.

Mr. BABCOCK. There is no provision at all for the sale; the ground belongs to the United States. The report proposes to appropriate \$100,000 for the purchase of a new site—larger and in a better location.

Mr. COOPER of Wisconsin. Does the amendment provide that before this \$100,000 purchase is made, the bids, etc., shall be reported to Congress for approval?

Mr. BABCOCK. No, sir; the Commissioners are authorized to make the purchase as they usually do, upon proposals submitted to them. And let me say that I have had knowledge of numbers of cases where real estate in this city has been purchased by the Commissioners in that way for schools and other purposes; and by means of a system of competitive proposals the ground has been secured at a low figure. In the last instance within my knowledge—the purchase of ground for a colored school—the land was obtained at a price which, in my opinion, was only a little over 50 per cent of the estimated value of the property.

Mr. COOPER of Wisconsin. Does this provision require that competitive bids shall be submitted?

Mr. BABCOCK. There is on file a letter to Senator McMILLAN in answer to a question of that kind, saying that if this bill should pass, the Commissioners would follow their previous course and ask for competitive bids.

Mr. COOPER of Wisconsin. This provision allows them to pay as high as \$10,000 an acre for 10 acres—

Mr. BABCOCK. Yes, sir.

Mr. COOPER of Wisconsin. And to make the purchase final before notifying Congress. Now, it would seem to me that on general business principles before the sum of \$100,000 of Government money is to be expended in the discretion of anybody, there should be a provision for competitive bids; it should not be left to the discretion of anybody to fix the price which they will pay for land the location of which is not determined.

Mr. BABCOCK. I will say to the gentleman from Wisconsin that I have never heard any criticism of purchases made by the Commissioners of the District of Columbia. Their practice has always been what I have stated, and their letter is on file saying that in this case they would pursue the same course adopted heretofore; that is, they would ask for competitive proposals from parties desiring to sell.

Mr. WILLIAMS of Mississippi. Of whom will this commission consist?

Mr. BABCOCK. The Commissioners of the District of Columbia.

Mr. GAINES. My friend from Mississippi has suggested that the building to which I alluded a few moments ago was a Grand Army hotel.

A MEMBER. A Grand Army hospital.

Mr. GAINES. I only wish to repeat that it does receive appropriations from Congress; and I would like to know whether the law has been changed so as to allow soldiers of the late war to be admitted there.

Mr. BABCOCK. I have here a list of appropriations for hospitals, taken from the last report, but there is no institution here which I can recognize as that to which the gentleman refers. The institutions named are the Children's Hospital, the Home for Incurables, the Eastern Dispensary, the Women's Dispensary, the Washington Asylum, and physicians for the poor.

Mr. GAINES. Does the gentleman know anything about the institution to which I refer?

Mr. BABCOCK. I do not.

Mr. GAINES. And you do not know whether the law has been changed in the respect I stated?

Mr. BABCOCK. No, sir.

Mr. STEELE. I do not think there is such a hospital as the gentleman describes.

Mr. GAINES. Oh, yes, there is; down here one block to the left as we go from this House.

Mr. THROPP. As I understand, the provision now under discussion provides for the purchase of a site for the erection of a municipal hospital in the District of Columbia, upon the completion of which the appropriations heretofore made for individual or separate hospitals are to be withdrawn.

Mr. BABCOCK. Certainly. These appropriations in toto amount to \$179,000 per year.

Mr. THROPP. They would get nothing in the future if the municipal hospital were constructed and in working order.

Mr. BABCOCK. Not if the municipal hospital were of sufficient capacity to take care of the charity patients.

Mr. STEELE. It is certainly not contemplated to take old women there, or to take children there, or other special cases.

Mr. BABCOCK. No; I was speaking of hospitals.

Mr. THROPP. I understood the purpose was to build a modern hospital, so that you would have departments enough, possibly, for children; one, perhaps, built for women and another for children, as they now are built on cottage system, and in that case you would take care of all the patients from the District of Columbia.

Mr. STEELE. That is not contemplated.

Mr. BABCOCK. I do not understand that it is contemplated to that extent, that there will be a children's department or anything of that kind, but that this hospital will be built under modern methods, so that it will take care of contagious diseases as well as others.

Mr. THROPP. Then there is a possibility of still making appropriations for the other hospitals?

Mr. BABCOCK. Well, there is an appropriation for the Children's Hospital of \$2,000 and for the Home for Incurables of \$2,000. They are hardly hospitals in the sense in which we understand the word.

Mr. THROPP. For such institutions appropriations might be made?

Mr. BABCOCK. Yes.

Mr. MOODY of Massachusetts. Will the gentleman permit an inquiry?

Mr. BABCOCK. Certainly.

Mr. MOODY of Massachusetts. I should like to call the gentleman's attention to the fact that the Senate amendment would prevent the purchase of any larger lot than 10 acres of land. Now, when the matter was originally brought before the House by the gentleman from Vermont [Mr. GROUT], he changed the language so that the Commissioners would not be confined to a lot of not to exceed 10 acres. Now, if the House is to enter upon the project of purchasing and building a hospital (and I do not say that the House ought not to do it), certainly we ought not to concur in the Senate amendment without a further amendment striking out that limitation upon the size of the lot.

Mr. BABCOCK. Mr. Speaker, it appears to me that the suggestion of the gentleman from Massachusetts [Mr. Moody] is a very wise one. I do not know any reason why there should be such a limitation.

Mr. BINGHAM. The gentleman from Vermont can tell what the reason is.

Mr. GROUT. Mr. Speaker, of course, the managers on the part of the House could only disagree to that item. They agreed to a new item and brought it in here in their report, striking out the limitation of 10 acres, and putting a hundred thousand dollars at the disposal of the Commissioners in their discretion to purchase a site for a city hospital. Now, that proposition having been voted down, we could only disagree to the Senate amendment. Of course, it would be competent for the gentleman to move concurrence with an amendment.

Mr. MOODY of Massachusetts. I was not finding any fault with the gentleman from Vermont. I was only pointing out to the gentleman from Wisconsin that if a straight motion to recede and concur were adopted, then the amendment which the gentleman thought was desirable before could not be adopted.

Mr. GROUT. I think the suggestion of the gentleman from Massachusetts a practical one.

Mr. BABCOCK. I think it would be wise.

Mr. GROUT. It would agree with the motion of the conferees.

Mr. BABCOCK. Mr. Speaker, I will try to detain the House but a moment longer. I never have had the honor before to stand upon this floor and present a question that had the indorsement of four great committees of the House and Senate without a dissenting voice. In this case, Mr. Speaker, not only has this proposition the indorsement of the four great committees—the two

Appropriations Committees of the House and Senate and the two Committees on the District of Columbia—but it has the indorsement of this joint committee of the House and Senate. It has the indorsement of the experts that were employed and brought here by this joint committee, and I think for this House at this time to bar and stop this plan of progress would be a very unwise proceeding.

I never have heard a reason suggested that could be considered for a moment. I know that some people connected with the management of some of these hospitals here do not want to have them abolished. They want to stay there and keep their jobs. That is the only opposition that I have heard of coming from the outside. I was not present when the debate occurred on the floor the other day. There may have been other good and sufficient reasons offered at that time; but I wish to say now, Mr. Speaker, that in my opinion there is no question about the desirability of this hospital; there is no question about the duty of this House to concur in the Senate amendment. And I desire to add, Mr. Speaker, to my motion that we concur with the amendment, the amendment agreed upon by the House committee in the line of the suggestion of the gentleman from Massachusetts [Mr. MOODY].

The SPEAKER pro tempore. The gentleman will please send his amendment up.

Mr. PAYNE. The gentleman can perfect his amendment afterwards. Mr. Speaker, I want to say a few words in reference to this. The House, on the 16th of May, after a pretty full discussion of this item, decided by an almost unanimous vote, from the sound, to instruct the committee to disagree to it and to insist on their disagreement. The Chairman of the Committee on the District of Columbia [Mr. BABCOCK] comes in here this morning with a statement containing some additional facts, and he has only confirmed my mind in the belief that this item ought to go out of this appropriation bill. At that time I showed to the House that there were some fourteen hospitals in the city of Washington, that Congress appropriated \$162,000 a year to support those hospitals, besides other items that were covered up. The gentleman from Wisconsin, with his greater sources of information, comes in and shows that one of these little hospitals which the Government runs, which takes care of 41 patients, requires an annual expenditure of \$595, or substantially \$600, per capita for each of the patients. I do not remember which hospital it is.

Mr. BABCOCK. The Columbia Hospital.

Mr. PAYNE. That is the one they want to sell. Well, I think you ought to sell it. If the equipment is worth \$300,000, and in addition to that it costs \$600 a patient to support them during the year, when you can make contracts with these other hospitals for \$200 a patient, I think it is your duty to sell this hospital and go on and make your contracts. Now, I do not believe, for one, that a municipality ought to do everything under the heavens. I think it is just as well to leave the hospital service to private parties and let them run it economically in connection with their pay patients, and let the Government pay them for the services which they render.

Mr. FITZGERALD of Massachusetts. Even if they are sectarian.

Mr. BABCOCK. Will the gentleman permit a question?

Mr. PAYNE. I wish the gentleman would not interrupt me.

Mr. BABCOCK. Just a question. In the great State of New York, can the gentleman point me to any great municipality that does any such thing?

Mr. PAYNE. I can point the gentleman to a number of cities that have a number of private hospitals. Of course the State of New York does build most expensive buildings, most magnificent buildings, and it has been a subject of a great deal of criticism of their hospital service, especially of the insane hospital service. But I want to go back and talk about this subject.

Mr. HOPKINS. It has been very burdensome to the taxpayers in New York, has it not?

Mr. PAYNE. It has been a source of a great deal of complaint and trouble. Now, I want to talk about this original proposition. The gentleman says that two years ago this joint committee recommended that this land be sold here in connection with the Columbia Hospital, which, he says, will bring \$300,000. Now, I understand the gentleman to want to go outside and purchase some land and build a building. Now, if every member of the House wants to get a public building in his district, what does he do? He has to go to a committee of the House with his bill; the bill has to provide a total limit of expense before he can get any consideration. He can not get a bill through the House without providing a limit of expense.

Now, why not apply the same rule to the District of Columbia? Why allow the Senate to tack an amendment onto the District of Columbia bill? This amendment, I understand, was offered in the Senate and not by the Committee on Appropriations, and the great Committee on Appropriations of the Senate did not consider this matter. The gentleman says the District of Columbia

Committee in the Senate considered this matter. If they did, why did they not bring in a bill at the same time to sell this \$300,000 worth of land and make a limit of cost to the new building?

Mr. BABCOCK. It is impossible to sell that building now. Are you going to turn the patients outdoors?

Mr. PAYNE. Oh, you have got 41, and there are a dozen different hospitals in the city.

Mr. BABCOCK. These are all special cases.

Mr. PAYNE. The other hospitals will contract to take them for two or three hundred dollars per patient, and save money on the annual appropriation. Why did you not go at this proposition in the same businesslike way in which you consider other District matters and not hang this onto an amendment to this appropriation bill?

Mr. BABCOCK. Because the Committee on the District of Columbia does not have jurisdiction of appropriations.

Mr. PAYNE. Then why did not the chairman send the matter to the Committee on Public Buildings and Grounds, or any other committee that had jurisdiction, and, with his powerful influence, get it through that committee? Why not go at it in a businesslike way? Why, Mr. Speaker, this is not the only abuse of this kind that has crept into these appropriation bills. A year ago there was a little item in this bill of \$50,000 to build a workhouse.

The location was not spoken of, but they finally located it on Government land in connection with the almshouse and jail, near Massachusetts avenue prolonged, and the appropriation was \$50,000. They did not commence the erection of the building with that \$50,000; that was only a starter. This year we have an appropriation of \$50,000 more. I did not get hold of this fact until both Houses had agreed upon this \$50,000. Now that they have got \$100,000, what have they done? Well, we have to go to the public prints to find out what they are doing. I have in my hand a copy of the National Architect and Builder, and I find on page 6 a cut of the magnificent building which they propose to erect there, at a cost of half a million dollars. They started last year with \$50,000 of appropriation. They have not used any of that \$50,000 except what they have paid to the architect.

The understanding is that the first \$100,000 is to be the expense of the central part of the building, which comprises the executive offices for this building, and afterwards provisions for the workhouse, for the people of the workhouse, are to be made from future appropriations, until we get fully \$500,000, or a million dollars, or whatever it may be, for building this workhouse. That is what we commence with here—\$100,000. It was only a year ago, I think, that an appropriation of \$10,000 was made toward a foundation for a wall around this jail and workhouse; and I am told that it will cost over \$100,000 in order to have it completed. They commence with these little items.

Now, what is the item in this appropriation bill as it passed the Senate—\$100,000—for? "Not to exceed 10 acres of land." Where is that located? I asked the chairman of the Committee on the District of Columbia, and he did not know. It has not been located; and yet it is floating all over the District that the most desirable place is Schuetzen Park. Now, I have never been there, but I understand it was formerly a lager-beer garden, out near the Soldiers' Home. I am told by reputable citizens that in half a mile or three-quarters of a mile, instead of buying land and paying \$10,000 an acre, you can get whole farms there for \$200 to \$500 an acre at the outside. Now, why make this appropriation of \$100,000 for this 10 acres?

Mr. BABCOCK. The gentleman is not discussing this proposed amendment at all.

Mr. PAYNE. Not discussing what?

Mr. BABCOCK. You are not discussing the amendment.

Mr. PAYNE. Well, let us see. The gentleman's motion was to recede and concur.

Mr. BABCOCK. I moved to recede and concur with an amendment as follows:

In lieu of matter inserted by said amendment insert the following:

"For the purchase by the Commissioners of the District of Columbia of a suitable site in the District of Columbia for a municipal hospital, \$100,000, or so much thereof as may be necessary."

Mr. PAYNE. Very well.

Mr. BABCOCK. There is no 10 acres; no limitation at all.

Mr. PAYNE. Now, the gentleman has another proposition, and we will talk about that amendment. The original proposition in the Senate was "not to exceed 10 acres." The original motion of the gentleman was to concur in the Senate amendment. Now he strikes out the 10 acres and still leaves the \$100,000. They can buy a farm of 100 or 200 acres, or buy a park of 10 acres for \$100,000. Well, which are they most likely to do? He says the Commissioners will advertise for bids.

Here comes one man with a farm, where they can get the entire farm for \$500 an acre, and another, Schuetzen Park at \$10,000 an acre, for \$100,000; and if it is left to the sweet will of the Commissioners of the District, they will say that the farm is too far off

from the city of Washington, and they can not go that half or three-quarters of a mile farther, and Schoutzen Park is just the place for this splendid building, to be built at the expense of a million dollars. Now, that is the proposition. It has no place on an appropriation bill. It is not authorized by any law and should not be there. The Senate would recede in a minute if the House conferees in their own private judgment were not in favor of the Senate amendment, or of a slight modification of it. It was not quite artificially enough drawn for the gentleman from Vermont, the head of the conferees. That was the argument he made in the debate. They, of course, were in favor of the Senate proposition. If they had voiced properly the sentiment of the House, which voted it down so unanimously, I think the report would have been back here with a full agreement, and with this amendment stricken out.

Now, gentlemen, is it best to go into this expenditure? What does the gentleman from Wisconsin say about that? What figures does he present? Conclusive? No; because private hospitals can care for them at \$200 a bed, and care for them, as he says, magnificently. The Providence Hospital is not the only one that is doing the same thing for \$200 a bed. The gentleman says they go beyond their contract and give the city and the country more than they are paid for, and they have 160 patients instead of 95, and do it for less than \$200 a bed.

Mr. WILLIAMS of Mississippi. May I ask the gentleman a question?

Mr. PAYNE. Certainly.

Mr. WILLIAMS of Mississippi. Take the Providence Hospital and these other hospitals that are caring for patients at \$200 a year, are they controlled, regulated, and supervised by the Government?

Mr. PAYNE. No; by private parties.

Mr. WILLIAMS of Mississippi. Does not the gentleman think we ought to have a municipal hospital controlled, supervised, and governed by the Government?

Mr. PAYNE. If you want it, go about it in a businesslike way; select the land—

Mr. BABCOCK. You have to buy the land first.

Mr. PAYNE (continuing). And let the House see about it. Let the Government have some representation on the commission which is to buy the land. Do not give it all to the District of Columbia, to those gentlemen who are so anxious to build up the city of Washington by building magnificent buildings on ground contiguous to sites which are for sale. Obtain the site, but go about it in a businesslike way. Get an option from somebody, and let the Commissioners report their bids, and let Congress say whether it is too near or too far.

In the meantime the patients are being well taken care of by private hospitals, better taken care of than the Government can do it. But the gentleman says, right in that connection, we have under Government control a hospital that is costing us \$600 a year a bed to take care of 41 patients. A pretty large expenditure. Had we not better look into this a little and see if there is not a better way in private hospitals? A great many cities in this country are dependent on private hospitals; they make them pay for each patient as other people pay.

Mr. WILLIAMS of Mississippi. Does not the gentleman from New York think if we had a real fit, capable, municipal hospital, that there would be more patients, and the price would not increase in proportion to the number of patients?

Mr. PAYNE. I never saw any government do any business of that kind unless it paid double the price of what private parties pay.

Mr. BABCOCK. Will the gentleman permit an interruption?

Mr. PAYNE. Yes.

Mr. BABCOCK. The State of Wisconsin is supporting the insane patients for less than \$2 a week. Not only the State, but every principal county in the State, has an insane asylum of its own and a hospital in connection with it.

Mr. PAYNE. Well, I feel sorry for some of the insane in the State of Wisconsin, especially those in the hospitals in the counties.

Mr. BABCOCK. The gentleman does not understand. They are not hospitals entirely; they are for the insane and indigent, and have hospitals in connection with them.

Mr. PAYNE. If the gentleman will carefully examine the figures of the Wisconsin hospitals, he will find that the statement he has made of \$2 a week does not cover all the expenses, salaries, etc., for the running of the hospital, but simply the bare existence of the patient.

Now, Mr. Speaker, I hope that we shall never have to adopt the Wisconsin methods in the District of Columbia; that we shall never come down to \$2 a week. I would rather pay \$200 and have the grand, magnificent care the gentleman from Wisconsin says the people are getting in the private hospitals in the District of Columbia.

But, Mr. Speaker, we ought to stop this performance on appropriation bills. We ought not to start any more \$100,000 walls around buildings in this city with an appropriation of \$10,000; no more workhouses to cost half a million dollars with an ap-

propriation of \$50,000, and no more extravagant appropriations to buy land around the District of Columbia. It is only a few weeks ago that we knocked out in the House, and finally the Senate concurred, after full discussion of the subject, an appropriation to pay \$1,500 an acre to buy a farm adjoining an asylum over here.

I am told that land adjoining that farm can be bought for \$400 an acre; that there is an option on that very land at that price, and that it is assessed at about \$90 an acre. This question was ventilated in the Senate, and that body struck the provision out of the bill. The present provision has never been adopted in the Senate. I do not know whether it was ever considered by the Appropriations Committee of the Senate. There is no record showing that fact; no record showing that the District of Columbia Committee in the Senate ever considered the matter. The gentleman himself says that his own committee has never considered this proposition; but he is in favor of it and he thinks the committee would be. There is no record to show that the Appropriations Committee of the House ever considered this proposition. The three conferees appointed by the House have agreed to it; they are in favor of it. But I think the House ought to strike it out of this bill. There need be no fear about delaying the adjournment. It is just as easy, and a good deal easier, for the Senate to take a vote and recede from an amendment that is in contravention of the present law than for the House to give up its convictions and yield to the Senate upon this extravagant proposition surrounded by no safeguards to the Treasury, either of the city or of the United States.

Mr. BABCOCK. Mr. Speaker, I hardly think it necessary to reply to the gentleman from New York [Mr. PAYNE], but I want to answer one or two of his propositions.

He proposes to strike out this provision, a proposition that has the recommendation and indorsement of everyone, whether in or out of Congress, interested in charitable matters in this District. I should like to know how the gentleman will vote on the proposition to give \$5,000,000 to the St. Louis Fair when he stands aghast at a little proposition of \$100,000 to make provision for caring for the poor?

Mr. PAYNE. I will vote against that \$5,000,000 appropriation—

Mr. BABCOCK. I am very glad to hear it.

Mr. PAYNE. Will you vote against it?

Mr. BABCOCK. I think I will vote with the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Well, you are a little feeble about it. [Laughter.]

Mr. BABCOCK. Now, Mr. Speaker, this proposition is to appropriate only so much of the \$100,000 as may be necessary. When the site has been located and the land purchased, Congress will be called upon to say how large an appropriation shall be made for building the hospital. In the opinion of those who have investigated the Columbia site, the sale of that would bring enough to pay for the ground and go a long way toward building this hospital. Mr. Speaker, I ask for a vote.

Mr. PAYNE. I want to say a single word; I meant to have said it before. The gentleman from Wisconsin made some allusion to the other asylums, remarking that those interested in them were opposed to this amendment. Now, so far as I know, no one connected with the other asylums is opposed to this amendment or has interested himself against it. Because I brought forward the proposition of the Providence Hospital asking \$50,000 to erect a building on their own land, to be controlled by the Government, I understand it was thought by some persons that the management of that hospital had interfered against this amendment. Not at all. The people connected with the Providence Hospital disclaim ever having opposed this proposition in any way. I wanted to say that much in justice to them.

Mr. BABCOCK. The gentleman would favor an appropriation of \$50,000 to build an addition to an existing hospital on private grounds rather than support this proposition to spend \$100,000 for a hospital that will take care of all these people.

Mr. PAYNE. The \$100,000 appropriation is simply to buy the ground; the hospital, before it is completed, may cost a million dollars.

Mr. HOPKINS. Will the gentleman from New York allow me to ask him a question? Am I correct in understanding the gentleman to say that the House has once voted to strike this appropriation out of the bill?

Mr. PAYNE. Yes, sir; and so far as we might judge by the sound, the vote was almost unanimous.

Mr. HOPKINS. Does the gentleman know who are the owners of this park for which they want to get \$10,000 an acre?

Mr. PAYNE. I do not. I ask for a vote.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is respectfully requested to return to the House of Representatives House bill 9083.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 8815. An act to amend chapter 4, Title XIII, of the Revised Statutes of the United States;

H. R. 5296. An act establishing terms of the United States circuit court at Newbern and Elizabeth City, N. C.;

H. R. 2933. An act changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes; and

H. J. Res. 247. Joint resolution to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

H. R. 10665. An act to provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory; and

H. R. 9388. An act to provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

S. 2161. An act granting a pension to Eli F. Chittenden;

S. 2087. An act for the relief of George L. Merrill; and

S. 186. An act for the relief of John L. Smithmeyer and Paul J. Pelz.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 2931) to incorporate the American National Red Cross, and for other purposes.

The message also announced that the President pro tempore had appointed Mr. WOLCOTT a conferee on the bill (H. R. 10308) to extend to certain publications the privileges of second-class mail matter as to admission to the mails in place of Mr. CHANDLER, excused.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2161. An act granting a pension to Eli F. Chittenden—to the Committee on Invalid Pensions.

S. 2087. An act for the relief of George L. Merrill—to the Committee on War Claims.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. UNDERWOOD addressed the Chair.

The SPEAKER pro tempore (Mr. DALZELL). Does the gentleman from Vermont yield to the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. GROUT. No, sir; let the gentleman speak in his own time.

The SPEAKER pro tempore. Does the gentleman from Wisconsin yield to the gentleman from Alabama?

Mr. BABCOCK. How much time does the gentleman want?

Mr. UNDERWOOD. Ten minutes.

Mr. BABCOCK. I yield to the gentleman.

Mr. UNDERWOOD. Mr. Speaker, after the discussion that has already taken place on this amendment I do not know that I can throw any light on this subject; but I do think that the time has come when questions of this kind ought to be considered under the rules of the House. If a member on this side of the House desires an appropriation for a public building for the benefit of his district or his people he must go to the Committee on Public Buildings and await his turn. If there is a member here who desires anything to be considered for people of this District who are friends of his he must go through the regular course of the machinery of this House.

But in the last six years I have noticed that when gentlemen on that side of the House desire to favor certain people in this community, to favor certain officers of the Government in this community, contrary to the rules of the House, contrary to procedure in this House, and contrary to justice between members on this floor in regard to their equal standing, the great appropriation bills of this House are open to such procedures as this. There is no check on such expenditures, as has been pointed out by the gentleman from New York [Mr. PAYNE]. When a proposition of this kind comes before this House, an indefinite proposition that Congress can not control, the expenditure of which we do not know where it will be put or for what purpose it will be used, it is uniformly put into an indefinite clause in a general appropriation bill, and always hurried through this House in the closing hours of the session, when there is but little opportunity for consideration or debate.

I therefore say, Mr. Speaker, that if we are going to do justice by our constituents, if the members of this House and of this side

of the House are going to protect their own interest in this matter, there is but one way in which we can see that equal justice is done to us and that it is done to other members, and that is to demand that every man in this House shall stand the same chances before the committees, and that the same procedure shall be had in reference to appropriations that I desire, that is had with reference to appropriations that some other gentleman desires. There is not a member of this House who does not know that this proposition is out of order; that it would be stricken from this bill if offered in this House; that the only reason it can stand in the bill is that it comes back here as a Senate amendment, and that the opportunity is not given to raise points of order. I therefore say, Mr. Speaker, that if we want protection for what we want ourselves, if you want to get your bills out of the Committee on Public Buildings and Grounds, if you want bills of that class reported for yourselves, you have got to make every other gentleman of this House stand on the same basis that you have had to stand on in reference to your bill.

I hope that the motion of the gentleman from Wisconsin will not be agreed to, and that the motion to recede and concur will be defeated.

Mr. GROUT. Mr. Speaker, I ask that the following letter, written to the chairman of the Senate Committee on Appropriations, be read by the Clerk.

The Clerk read as follows:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 26, 1900.

DEAR SIR: The Commissioners of the District of Columbia have the honor to acknowledge receipt of your letter of May 25, requesting them to furnish to your committee any additional facts in relation to the purchase of a municipal hospital grounds that would be of value to the conference committee on the District of Columbia appropriation bill.

In response to the same the Commissioners state that they regard the erection of a municipal hospital as a matter of the utmost importance. While there are hospitals which are conducted by boards of trustees which render efficient services, yet they do not meet the demands which exist for a municipal hospital.

There is respectfully transmitted herewith a copy of a communication from the sanitary officer of the District to the major and superintendent of police, showing that during the calendar year 1899, 68 patients were refused admission to these hospitals. A large number have also been reported as having been refused during the current calendar year. The Commissioners have no control whatsoever over these hospitals, and have no recourse in such cases as these so reported other than to send the unfortunate persons to the hospital of the Washington Asylum. While this last-named institution is well managed, yet it has not the proper facilities for placing patients in wards adapted for their treatment; but chronic and acute cases must of necessity be kept in the same wards. Its capacity is not sufficient to permit it to receive all cases which should be taken care of by the municipality.

Every consideration, therefore, of humanity would seem to prompt early and favorable action looking toward the erection of a municipal hospital.

In case this appropriation is made at the present session of Congress, it is the unanimous purpose of the present Board of Commissioners to advertise for proposals for the sale of a suitable site on which to erect the new building, and in the selection of such a site the Commissioners will be guided only by what may seem to them to be the best interests of the entire District of Columbia.

Very respectfully,

JOHN W. ROSS,
Acting President Board of Commissioners,
District of Columbia.

Hon. W. B. ALLISON, Chairman, etc.

Mr. GROUT. Mr. Speaker, this letter, which came from the Commissioners of the District, shows that 68 persons have been refused admission to the hospitals of the District during the past year because there was not room for them. Now, it is clear that the hospital accommodations of the city are inadequate and that additional provision should be made.

Mr. PAYNE. May I ask the gentleman a question?

Mr. GROUT. Certainly.

Mr. PAYNE. I notice that these different hospitals refused admission to so many people. It does not say that when refusal was made at one hospital the patient was not admitted at some other hospital. It does not show, and it takes pains not to show, how many were ultimately refused.

Mr. GROUT. Mr. Speaker, if the gentleman feels like attacking the sincerity of the Commissioners in their report of these facts to the chairman of the Senate Committee on Appropriations, the responsibility is with him. I shall undertake no explanation of it.

Mr. PAYNE. That is not the statement of the Commissioners. It is the statement of some man under the Commissioners as to the number refused. Now, I say it does not show what ultimately became of those patients, whether they ultimately received admission at some other adjoining hospital or not.

Mr. GROUT. And the gentleman has the right to insinuate that this man falsified about it, or deliberately misrepresents the facts to the Commissioners, and that the Commissioners have communicated them to Congress for the purpose of misleading that body.

Mr. PAYNE. I do not mean to make any such insinuation.

Mr. GROUT. That is the scope of the gentleman's suggestion.

Mr. PAYNE. If the gentleman thinks so, I will withdraw it and apologize.

We will not get into any such controversy as that.

Mr. GROUT. That is satisfactory to me. Now, I wish to call

attention to one other fact, the cost of the hospital service of the District. It amounts to \$179,400. That is the interest on just about \$3,000,000 at 6 per cent. Now, when the gentleman talked about a million-dollar hospital, you could build a million-dollar hospital and have the interest on \$3,000,000 still left to expend in the care of the sick in the hospital after it is completed before the annual expenditure will be as much as it is now by hiring patients cared for in these private hospitals. Make a note of that fact when you come to figure.

Mr. HEPBURN. Will the gentleman allow a question?

Mr. GROUT. Certainly.

Mr. HEPBURN. Have you any evidence that if this hospital that is now under discussion should be erected the appropriations for the colored hospital would not still be made, amounting to \$50,000?

Mr. GROUT. That would depend altogether upon the extent of the city hospital that was built under this provision. It ought and doubtless would in time be sufficiently ample to provide for the colored hospital. I can not say how soon that would take place. Those buildings are old and of a temporary character at that, and can last only a little while. The buildings were put up for quartermaster's supplies or hospital purposes of a temporary nature during the civil war, and have stood there since, and are used for hospital purposes now. They can last only a little while at the longest, and are rented at that.

So much for the expense. Now, Mr. Speaker, another thing. The gentleman referred to the expense at Columbia Hospital being larger than what we pay at Providence and other places. That is because there are very few inmates. It requires the same number of officers, with high salaries, to care for 50 patients that it would to care for 500. The organization has to be complete and perfect for the small number as much as for the larger number. So, when you get 500 or 1,000 patients in a hospital, they can be cared for at a less sum per capita than they can be in a hospital where you are caring for only 50 or the small number that are at Columbia Hospital. This explains the high rate per capita at Columbia, and is an unanswerable argument in favor of a large hospital, where the expense per capita is always small.

The expense at Columbia, which the gentleman so much elaborated, really makes against his position.

Mr. Speaker, the demand of the time is for a hospital to care for the sick in suitable style, in accordance with the civilization of the age, after the fashion of other cities throughout the country; a hospital which the District shall own, and not longer be compelled to resort to private institutions.

Mr. Speaker, the gentleman took occasion to refer to an appropriation in this bill for the Washington Asylum of \$50,000; also an appropriation last year of \$50,000 for that institution.

Mr. PAYNE. For the workhouse.

Mr. GROUT. The asylum and workhouse are on the same grounds. I would ask the gentleman the reason for this strange criticism in this connection of an expenditure on the Washington Asylum grounds. There is a movement on foot to drive the Government out of those grounds, to have them abandoned entirely by the workhouse and asylum, and the gentleman seems to have shadowed forth a knowledge of that scheme when he spoke of the extension of Pennsylvania avenue through the asylum grounds—

Mr. PAYNE. I am not in it.

Mr. GROUT. Well, I do not say the gentleman is in it. He says he is not, and that settles it with me, for he is an honorable man. But there is a scheme of that kind on foot in the city of Washington, and it is a land-jobbing scheme, too, because it is to turn that ground—the asylum ground—over for city purposes, thus destroying the accommodations for the six or eight hundred persons who are accommodated there, and make it necessary to hunt up accommodations elsewhere in the District.

Mr. PAYNE. May I ask the gentleman a question?

Mr. GROUT. Certainly.

Mr. PAYNE. The idea, then, in making that appropriation of half a million dollars, is to prevent people from buying from the Government of the United States the land which the Government already owns.

Mr. GROUT. What appropriation of half a million dollars does the gentleman refer to?

Mr. PAYNE. To anchor a building on that lot, so that the Government will not be forced to sell the land that it owns.

Mr. GROUT. The gentleman spoke some time since of \$50,000. Now he speaks of half a million dollars.

Mr. PAYNE. Half a million dollars for the building. You have already appropriated a hundred thousand dollars under the two appropriations, and the building estimated for, according to plans adopted by the Commissioners of the District, according to a statement in the paper, is placed at a half million dollars. Now, I understand that the anchoring of that building on that lot is to prevent people from getting away from the Government the lots which it already owns and over which it has unlimited control.

Mr. GROUT. I must confess I hardly understand what the

gentleman means, nor can I quite understand why he has referred, in this connection, to the Washington Asylum at all, as it is in no way connected with this city hospital question. It is true, however, that it is in keeping with the vague rumors on the right and on the left that a new site for the asylum should be obtained.

Mr. Speaker, the committee which prepared this bill were informed that there was necessity for additional accommodations at the asylum and have made provision for them. And to show the character of the investigation we made I will read for the information of the House from the hearings before the committee during the present session of Congress concerning this appropriation of both this year and the year preceding:

The CHAIRMAN. What is the total cost of this workhouse?

Captain BEACH. The plans are so drawn that they will admit of a pretty large expansion. One small part can be constructed, and then as the necessities demand it the other buildings required can be erected afterwards, and, so far as I can find out, this estimate of \$50,000 will carry the building to such a point as will enable us to get along for several years.

Mr. LEWIS. The original estimate of the cost of this workhouse was \$150,000.

The CHAIRMAN. What state is the work in now?

Mr. LEWIS. There has been no actual work on the ground.

Captain BEACH. It is about ready for advertisement. Preparation of the plans was delayed somewhat for the purpose of obtaining information which could be obtained only by visiting the more recently built institutions of its kind throughout the country.

The CHAIRMAN. This building is entirely new?

Mr. LEWIS. Oh, yes.

The CHAIRMAN. After its completion this old building is wholly discarded?

Mr. LEWIS. The old building will be used for another department.

The CHAIRMAN. How far is the building from the other?

Mr. LEWIS. Six hundred feet.

The CHAIRMAN. Fifty thousand dollars will provide wards and certain sections which can be completed separately?

Mr. LEWIS. Yes.

The CHAIRMAN. You are still using the old building and propose to do so?

Mr. LEWIS. We will have to until the new building can be occupied.

The CHAIRMAN. This is the place where the men reside, or is it where they do work?

Mr. LEWIS. It is where they reside.

The CHAIRMAN. Is there any machinery there?

Captain BEACH. Nothing but cells.

The CHAIRMAN. This is for the occupation of the men?

Captain BEACH. Yes, sir.

The CHAIRMAN. Can you not make provision for them in the old establishment?

Mr. LEWIS. No, sir; we can not make a workhouse there to accommodate 150 to 250 men for less than that sum of money.

The CHAIRMAN. It is a lodging house, practically?

Mr. LEWIS. It is a prison. It calls for steel construction, cells, etc.

The CHAIRMAN. It is to be built in sections or wings, and the question is, is not \$50,000 sufficient to get on with? You say the old workhouse is too crowded?

Mr. LEWIS. Very much so. We shall have to ask another appropriation after this one in order to complete the new one.

The CHAIRMAN. To accommodate the people? What are you going to do with the old one?

Mr. LEWIS. We will use it for the almshouse or an extension of the hospital.

Mr. McCLEARY. How many people will this accommodate now, probably?

Mr. LEWIS. About 200.

The CHAIRMAN. The almshouse is one establishment and the workhouse is another?

Mr. LEWIS. Yes, sir.

The CHAIRMAN. How far are they apart?

Mr. LEWIS. They almost adjoin. Six hundred and ten was the number of inmates last year.

The CHAIRMAN. How many in the workhouse?

Mr. LEWIS. About 250.

The CHAIRMAN. The larger part of them, it seems, are really in the almshouse?

Mr. LEWIS. Yes, sir.

The CHAIRMAN. The question I am raising is whether the situation there is such as to call for continuing this piece of work to completion according to the original design of \$150,000, or whether the work could be rested where you are, or could you stop with \$50,000 more, or would it require this outlay at all?

Mr. LEWIS. We can not get on with one-third of the estimate originally made.

Captain BEACH. The one wing for the steel cells alone is estimated to cost about \$50,000. That does not provide for any room for administration. It is simply for cells.

The CHAIRMAN. But your administration is carried on in the old building.

Captain BEACH. That is crowded.

The CHAIRMAN. This \$50,000 will provide for the crowded condition of the old building, and is not that sufficient relief so that the administration can be provided for?

Captain BEACH. No, sir. I have talked the matter over with Mr. Stoutenburgh and the administration ought to go with the building itself for proper discipline. We do not want to have to send a man 600 feet away when there may be a riot, and to properly meet the administration this building should be erected. This amount of \$50,000 is needed in addition to the amount appropriated last year.

Now, this was the evidence before the committee, on the strength of which we recommended this appropriation which the gentleman has seen fit to ride into in his imaginative style. He also referred to another matter, viz, a wall around the jail. There was, it is true, in this District bill in 1898 an appropriation of \$10,000 toward the erection, under the Attorney-General, of a brick or stone wall inclosing the grounds on which the jail for the Districts now stands, "including the purchase of material and labor."

Mr. PAYNE. Will the gentleman allow me to ask him a question?

Mr. GROUT. Certainly.

Mr. PAYNE. Was the purpose of the wall for the inclosure of the grounds or a sort of fortification against those people who are trying to get this land away from the Government?

Mr. GROUT. This is the city jail; an entirely separate affair. Mr. PAYNE. Is it not on the same lot with the workhouse? Are they not right on the same tract of land?

Mr. GROUT. It is on the same tract, but it is a separate and distinct institution, and under the control of the Attorney-General, whereas the asylum is under control of the Commissioners. He said he wanted this appropriation. I remember distinctly that he said that the work, excepting the skilled labor, could be performed by the inmates of the jail. It doubtless was, and they completed the wall about the jail. They said it was necessary, and here again the gentleman seems to come in on his high horse riding on top of that wall. That was a matter that the Attorney-General of the United States recommended and the committee recommended it and the House approved it, and it was built two years ago. Every jail should have a wall about it, and the gentleman has shown nothing to account for his allusion to it here.

Now, Mr. Speaker, as to the municipal hospital. I want to say that so far as I am personally concerned, I do not care a peg about it, except as I believe, as I said in the House the other day, that this capital city of this great Republic ought to own its own hospital for the care of its sick.

Mr. BABCOCK. It would be a matter of economy.

Mr. GROUT. Certainly it would, as the figures I have given plainly show. Here is \$179,400 paid out annually for current expenses in hiring hospital accommodations in private hospitals, which would be the interest on \$3,000,000.

Mr. HOPKINS. Will the gentleman allow me to ask him a question?

Mr. GROUT. Certainly.

Mr. HOPKINS. The House the other day instructed the gentleman, as one of the conferees, to insist on striking this amendment out.

Mr. GROUT. Yes, sir; and I obeyed the instruction. I am speaking now, Mr. Speaker, not as a conferee; I am speaking as a representative of the people and on my responsibility as a member of this House, and I have the right to give my own opinion in the matter, and propose to do it fearlessly. So far as the conferees are concerned, they faithfully carried out the views of the House.

Mr. HOPKINS. I would like to ask the gentleman what effort they had made with the Senate conferees to impress on that committee the action of the House and the spirit manifested by the vote?

Mr. GROUT. I did not take them by the collar; I did not threaten them with personal violence, nor did my associates. We respectfully submitted to them the vote of the House, and told them the House had ordered that item out of the bill. For a moment the Senate conferees were at a loss to see why we could not agree to the item. But the House managers were clear that they could not; in short, that there was only one thing to do, and that was to bring back a disagreement, as we have, and that is the whole story.

Now, once more, as I was saying when the gentleman interrupted me, you may do what you choose about a municipal hospital. You may throw it overboard, and hang on to these little institutions, and pay \$179,000 annually for the support of the sick of this city, and continue this piecemeal method, which is really a very expensive one.

You may do if you choose what the gentleman from New York says he would do, and that is to give Providence Hospital \$50,000 to enlarge its quarters, so that the sick in Washington may find a resting place. I myself do not believe in that policy. I believe that this city ought to have a hospital of its own. That is what I believe, so that the sick of all classes can be provided for, and these little private institutions be abandoned, gradually of course, until the municipal hospital is completed, which will take years.

I believe that the plan recommended by this joint committee who investigated charities three years ago and made their report two years ago, of which Mr. Pitney, of New Jersey, was chairman upon the part of the House, and upon which was Mr. Dockery, of Missouri, whom we all remember as an able and conservative member of the House—I say I believe the plan recommended by that committee should be entered upon by the District of Columbia.

Mr. PAYNE. They did not recommend any policy of putting \$100,000 into the hands of the Commissioners of the District of Columbia.

Mr. GROUT. Oh, the gentleman refers again to the Commissioners. Some one must be charged with the duty of securing land, and I am willing to trust the Commissioners. If the gentleman will suggest any better way, the House will be ready to consider it.

Mr. PAYNE. I have.

Mr. GROUT. What is it?

Mr. PAYNE. To bring in a bill properly guarded, the same as you would a bill to build a public building in your district or mine.

Mr. GROUT. "Properly guarded," the gentleman says. It could be guarded only with authority to expend the money the same as this money is to be expended by the Commissioners of the District, and they are the officers of the General Government as

well as of the District, and if they can not be trusted, let the gentleman say so. I consider them high-minded, honorable men, every one of them.

Mr. HOPKINS. They could pay \$20,000 an acre if they saw fit.

Mr. GROUT. Certainly they can. But they say in the letter sent the conference committee—and if the gentleman had given attention to the reading he would not have made the suggestion—they say if authorized to purchase the land they will advertise for bids. If the gentleman wants to impugn the motive and the purposes of the District officers all through, let him do it. Gentlemen are at liberty to do it. But, I repeat, I am willing to trust the District Commissioners in this matter and all others committed to their keeping. I will now yield to the gentleman from Mississippi [Mr. ALLEN].

[Mr. ALLEN of Mississippi addressed the House. See Appendix.]

The motion of Mr. BABCOCK was read, as follows:

Mr. BABCOCK moves to recede and concur with an amendment as follows: "In lieu of the matter inserted by said amendment, insert 'for the purchase by the Commissioners of the District of Columbia of a suitable site in the District of Columbia for a municipal hospital, \$100,000, or so much thereof as may be necessary; and the Senate agree to the same.'"

Mr. GROUT. Mr. Speaker, I ask unanimous consent for one minute to correct a statement of fact.

The SPEAKER. The gentleman from Vermont asks unanimous consent for one minute's time to make some correction. Is there objection?

There was no objection.

Mr. GROUT. The gentleman from New York [Mr. PAYNE] told us that we had embarked upon a building out here on the asylum grounds that will cost half a million dollars. I thought the sum was high, and to show how utterly in the air the gentleman is, I read from the testimony here. Mr. Lewis says the original estimate of the cost of this work was \$150,000. This shows how flighty my friend has become. There is no half million dollars mentioned anywhere in the testimony.

Mr. PAYNE. That is in connection with the present plans.

The SPEAKER. The question is on the motion which has been reported by the Clerk.

The question being taken, Mr. BABCOCK demanded a division.

The House divided; and there were—ayes 80, noes 68.

Accordingly the motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. CANNON. I desire to make a conference report on the sundry civil appropriation bill.

The SPEAKER. Does the gentleman desire the report and statement both read?

Mr. CANNON. I ask unanimous consent to read the statement in lieu of the report.

The SPEAKER. Without objection, the report will be omitted and the statement will be read.

There was no objection.

The conference report was read at length.

[For report see Senate proceedings.]

The statement of the House conferees was read, as follows:

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11212) making appropriations for sundry civil expenses for the fiscal year 1901 submit the following written statement in explanation of the action agreed upon and recommended as to each of the Senate amendments submitted in the accompanying conference report, namely:

On No. 1: Appropriates \$23,000, as proposed by the Senate, for rent of temporary quarters for Government offices at Baltimore, Md.

On No. 3: Appropriates \$5,000, as proposed by the Senate, for rent of quarters for Government offices at Macon, Ga.

On Nos. 5, 6, and 7: Provides for a quarantine station near Key West instead of at or near Fleming Key, and strikes out the provision proposed by the Senate requiring that no such station shall be established within 5 miles of the island of Key West.

On No. 8: Applies the appropriation for heating apparatus for public buildings to the Marine Hospital Sanitarium at Fort Stanton, N. Mex.

On No. 10: Appropriates \$5,000, as proposed by the Senate, for automatic towing machine for the Pollock Rip Shoals, Massachusetts, light-ship.

On Nos. 11 and 12: Makes the appropriation for the Staten island light-house depot available for repairs and improvements to the present buildings and grounds, and for the erection of a new oil house and lamp shop.

On No. 13: Appropriates \$30,000, as proposed by the Senate, for the Delaware Bay light and fog signal.

On No. 21: Increases the limit of cost, as proposed by the House, for the light-house tender for the Thirteenth light-house district from \$100,000 to \$120,000.

On No. 23: Appropriates \$12,500, as proposed by the Senate, for the Slip Point light and fog signal, Washington.

On Nos. 25 and 26: Increases the appropriation for repairs of light-houses to \$640,000, as proposed by the Senate, instead of \$625,000, as proposed by the House, makes the same available for purchase of land for day marks and pier head and other beacon lights, and makes \$15,000 of the same available to change the characteristic of Cape Cod light, Massachusetts.

On No. 29: Appropriates \$80,000, as proposed by the Senate, for the Porto Rican light-house establishment.

On Nos. 30, 31, 32, 33, and 34, relating to the Life-Saving Service: Provides for a superintendent for the coast of Rhode Island and Fishers Island, as proposed by the Senate, at \$1,000, and authorizes the Secretary of the Treasury to change the serial numbers of life-saving districts.

On No. 35: Appropriates \$2,500 additional, as proposed by the Senate, for a launch for the customs service in the vicinity of Astoria, Oreg.

On No. 37: Appropriates \$600, as proposed by the Senate, for rent of office for the stamp agency of the Post-Office Department in Washington.

On Nos. 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47, relating to the Coast and Geodetic Survey: Authorizes the lease of sites for the erection of temporary magnetic buildings, strikes out the provisions that the appropriations for magnetic observations and for repairs and maintenance of vessels shall continue available until expended, appropriates \$20,000 for purchase or construction of one small steamer, and makes certain verbal corrections in the text of the bill.

On No. 48: Increases the amount for rent of buildings for the Bureau of American Ethnology from \$1,000 to \$1,500, as proposed by the Senate.

On No. 49: Appropriates \$10,000, as proposed by the Senate, for purchase of specimens for the National Museum.

On No. 50: Reappropriates the unexpended balance of \$8,000 for widening, grading, and regulating Adams Mill road from Columbia road to the Zoological Park, as proposed by the Senate.

On No. 51: Strikes out the appropriation of \$20,000, proposed by the Senate, for a fence around the Zoological Park.

On Nos. 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 63, relating to the Fish Commission: Increases the pay of three firemen of the office of the Commissioner from \$540 to \$600 each; provides for an additional clerk at \$1,200, instead of at \$720, in the office of accounts, and for a clerk at \$1,400, instead of \$1,200, in the division of fish culture; provides for two laborers at \$900 each, instead of one laborer at \$540, for the Leadville, Colo., station, and for a fish culturist at \$900 at the Clackamas, Oreg., station.

On No. 65: Strikes out the appropriation of \$10,000 proposed by the Senate to enable the Interstate Commerce Commission to collect and compile a ten-year book.

On No. 66: Increases the pay of two assistant engineers in the Treasury Department from \$720 to \$1,000 each.

On No. 67: Appropriates \$100,000, as proposed by the Senate, instead of \$75,000, as proposed by the House, for punishment for violation of internal-revenue laws.

On No. 68: Strikes out the appropriation of \$3,000 proposed by the House for rent for the collector of internal revenue at Syracuse, N. Y.

On No. 69: Appropriates \$25,000 and authorizes a contract not exceeding \$150,000 for new machinery and appliances for the new United States mint building at Denver, Colo.

On No. 70: Provides for one additional counter of distinctive paper for United States securities.

On No. 71: Appropriates \$10,000, as proposed by the House, instead of \$30,000, as proposed by the Senate, for compensation in lieu of moieties.

On No. 72: Strikes out the appropriation of \$300, proposed by the Senate, for supplying the natives of Afognak Island, Alaska, with fishing nets.

On No. 74: Fixes the salary of the deputy recorder of deeds of the District of Columbia at \$2,500, as proposed by the Senate.

On No. 75: Appropriates \$75,000, instead of \$100,000, as proposed by the Senate, for quarantine service in Hawaii.

On No. 76: Makes the appropriation for prevention of epidemics immediately available.

On Nos. 77, 78, 79, and 80: Appropriates, as proposed by the Senate, for salaries and other expenses of the Territory of Hawaii, as authorized by law.

On Nos. 83, 84, 85, 86, 87, 88, 89, and 90, relating to the Capitol building: Restores the provision proposed by the House regulating the delivery of fuel to the building; appropriates \$100 for flags, \$1,500 for cleaning and repairing works of art, \$3,285 for steam heating and machinery (Senate wing), \$500 for ventilation of the Senate wing, \$6,000 for new elevator shaft in the Maltby Building, \$1,431.50 for improvements in the water supply and fire protection of the Maltby Building, and strikes out appropriation of \$150 for repairing elevator walls in the Maltby Building.

On No. 91: Inserts the provision proposed by the Senate concerning concerts in the Capitol grounds.

On No. 92: Inserts the provision proposed by the Senate regulating contingent expenses of registers and receivers of land offices.

On No. 94: Appropriates \$10,000, as proposed by the Senate, for transcripts of records and plats, General Land Office.

On No. 95: Appropriates \$500, as proposed by the Senate, for payment of fees for the General Land Office.

On No. 97: Appropriates \$25,000, as proposed by the Senate, for examination and classification of mineral lands in Montana and Idaho.

On Nos. 99 and 100: Authorizes, as proposed by the Senate, examination of public surveys by competent surveyors authorized by the Secretary of the Interior, to be selected by surveyors-general.

On No. 102: Appropriates \$240,000, as proposed by the House, instead of \$250,000, as proposed by the Senate, for topographical surveys by the Geological Survey.

On Nos. 103 and 104: Provides \$10,000, as proposed by the Senate, instead of \$7,000, as proposed by the House, for chemical and physical researches relating to the geology of the United States, and makes a verbal correction in the text of the bill.

On No. 107: Fixes the salary of the appointment clerk of the Census at \$2,500, as proposed by the Senate.

On No. 111: Appropriates \$97,000, as proposed by the Senate, for repairs of wing dam of Rock Island Arsenal water power, and strikes out the provision that the same shall be available until expended.

On No. 112: Appropriates \$12,500, as proposed by the Senate, for fence around the Watertown Arsenal.

On No. 116: Makes immediately available the appropriation for new storehouse for public buildings and grounds in Washington.

On Nos. 118 and 119: Makes immediately available the appropriations for electric power for the Washington Monument.

On No. 126: Strikes out the appropriation of \$50,000, proposed by the House, for Whipple Barracks, Ariz.

On Nos. 127, 128, 129, 130, 131, and 132: Makes the appropriations for the Yellowstone Park in the terms proposed by the Senate, and requires all road extensions and improvements in said park to be made under a general plan to be approved by the Chief of Engineers of the Army.

On No. 133: Provides that \$6,000 of the appropriation for the Vicksburg National Military Park may be used in the purchase of lands for said park.

On No. 135: Appropriates \$500,000, as proposed by the House, for final payment to representatives of James B. Eads for constructing jetties and other works at South Pass, Mississippi River.

On No. 137: Provides, as proposed by the Senate, that the east channel across Sandy Hook Bar, New York, shall hereafter be known as Ambrose Channel.

On No. 146: Appropriates \$2,500, as proposed by the Senate, for reburial of certain Confederate soldiers.

On Nos. 147 and 148: Appropriates \$1,500, instead of \$1,000, as proposed by the House, and \$2,000, as proposed by the Senate, for the Antietam battlefield, and authorizes the appointment of a superintendent of said battlefield at a salary of \$1,200.

On No. 149: Appropriates \$5,000, as proposed by the Senate, for completing isolating wards of the Garfield Memorial Hospital.

On No. 150: Appropriates \$10,000, as proposed by the Senate, for completion of military road in Wyoming.

On No. 151: Provides for distribution of sets of Official Records of the Rebellion, as proposed by the Senate.

On No. 154: Makes appropriation for State or Territorial homes, as proposed by the Senate, available for all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers.

On No. 160: Appropriates \$2,000, as proposed by the Senate, for index to diplomatic correspondence.

On No. 161: Appropriates \$2,500, as proposed by the Senate, for miscellaneous expenses of the Department of Labor.

On No. 162: Appropriates \$4,348.50, as proposed by the Senate, for special repairs to the court-house of the District of Columbia.

On No. 163: Strikes out the provision proposed by the Senate providing for a complete set of Federal Cases, with digests thereof, for circuit and district courts.

On No. 164: Appropriates \$1,500, as proposed by the House, instead of \$1,000, as proposed by the Senate, for digest of the Opinions of the Attorney-General.

On Nos. 165, 166, and 167: Inserts the provision proposed by the Senate relating to advances to United States marshals, and makes verbal corrections in the text of the bill.

On Nos. 170, 171, 172, and 173: Makes a verbal correction in the text of the bill and strikes out the provision proposed by the House, that the duties heretofore performed by clerks of United States courts shall hereafter be performed by the marshals, their deputies, or bailiffs.

On Nos. 174 and 175: Appropriates for the salaries of the additional district judge in New York and for the judge in Hawaii and for salaries of the clerk and reporter of the court in Hawaii.

On No. 178: Provides, as proposed by the Senate, for continuance of the Industrial Commission until December 15, 1901, and appropriates \$129,500 therefor.

On Nos. 180, 181, and 182: Strikes out the provision proposed by the House for increase of compensation to leather cutters in the Government Printing Office, and provides, as proposed by the Senate, that the limitation as to printing for the Supreme Court shall apply only to the appropriation made for 1901.

The committee of conference have been unable to agree on the following amendments:

On No. 2: Appropriating \$10,000 for elevator in old custom-house at Detroit, Mich.

On No. 4: Appropriating \$50,000 for a public building at Norfolk, Nebr.

On No. 9: Appropriating \$30,000 for Rockland Breakwater, Maine, pierhead light.

On No. 14: Increasing appropriation for Sabine light, Texas, from \$50,000 to \$80,000.

On Nos. 15, 16, 17, 18, 19, 20, 22, and 24, relating to light-houses, as follows: Increasing the limit of cost of Toledo Harbor light and fog-signal station, Ohio, to \$100,000; diverting former appropriation of \$15,000 for a light vessel for Poe Reef, Michigan, to construction of a light vessel for Grosse Point, Michigan; appropriating \$2,700 for range lights for St. Marys River, \$3,500 for a dwelling for the light keeper at Grosse Isle, South Channel, Detroit River, Michigan, and \$3,000 for a light keeper's dwelling at Grosse Isle, North Channel, Detroit River, Michigan; authorizing a relief light vessel for the Twelfth and Thirteenth light-house districts, Pacific coast, at a cost of \$80,000; appropriating \$24,000 additional for Desdemona Sands light-house, mouth of Columbia River, Oregon, and \$150,000 for joint light-houses and fog-signal stations in Alaskan waters.

On Nos. 27 and 28: Authorizing suitable lights at the mouths of Warroad and Rainy rivers, in Minnesota, and appropriating \$6,000 for lighting ship channels on the Great Lakes.

On No. 36: Authorizing a revenue cutter for St. Marys River, Michigan, at a cost of \$75,000.

On No. 64: Appropriating \$10,000 for fish hatcheries in Idaho and Utah.

On No. 73: Placing under the supervision and control of the Secretary of the Treasury the execution of the Chinese exclusion and immigration laws.

On No. 81: Appropriating \$462,441.97 for payment of claim of the State of Nevada.

On No. 82: Providing for the settlement of certain State claims.

On No. 93: Relating to lands within the boundaries of forest reservations belonging to land-grant railroads.

On No. 96: Appropriating \$1,100 additional for contingent expenses of the surveyor-general, Colorado.

On No. 98: Relating to entry of lands in wagon-road and railroad land grants in Oregon.

On No. 101: Appropriating \$11,000 for surveying Fort Buford abandoned military reservation.

On Nos. 105 and 106: Increasing appropriation for gauging streams and determining water supply from \$50,000 to \$250,000.

On Nos. 108 and 109: Increasing appropriation for Sequoia National Park from \$4,000 to \$25,000.

On No. 110: Increasing the number of admissions from the States to the Deaf and Dumb Institution from 60 to 100.

On Nos. 113, 114, and 115: Appropriating for improvements at the Schuylkill Arsenal, Philadelphia, Pa.

On No. 117: Providing for examination and report to Congress of plan for enlargement of the Executive Mansion.

On Nos. 120, 121, 122, 123, 124, and 125: Making special appropriations for certain military posts.

On No. 134: Appropriating \$300,000 for memorial bridge across the Potomac River.

On No. 136: Appropriating \$25,000 to maintain channel of South Pass, Mississippi River.

On No. 138: Authorizing one or more instead of two dredges for improving Passes of the Mississippi River.

On Nos. 139, 140, 141, 142, 143, 144, and 145: Relating to the improvement of the Upper White River, Arkansas, appropriating for improvement of the Upper and Lower Mississippi River, the Missouri River, and the Columbia River, and relating to the construction of a bridge across the Yellowstone River.

On No. 152: Providing for the settlement of claims for property taken in the military service during the war with Spain.

On No. 153: Providing for a Branch Soldiers' Home in Idaho.

On No. 155: Striking out the provision proposed by the House relative to the settlement of claims of officers, soldiers, sailors, and marines.

On No. 156: Authorizing the employment of an agent representing the officers of the Confederate navy in the Office of Naval Records of the Rebellion.

On No. 157: Providing for salary of woman commissioner to represent the United States and the Daughters of the American Revolution at the unveiling of the statue of Lafayette in Paris.

On Nos. 158 and 159: Relating to legation buildings of the United States in Korea and Siam.

On Nos. 168 and 169: Increasing allowance for expenses of office of United States attorney for the District of Columbia.

On No. 176: Appropriating \$7,500 for statue of Rochambeau.

On No. 177: Striking out provision proposed by the House relating to the files of the House of Representatives.

On No. 179: Striking out the provision proposed by the House relating to the appointments controlled by the Joint Committee on Printing.
On No. 183: Relating to the Louisiana Purchase Exposition.

J. G. CANNON,
W. H. MOODY,
THOS. C. McRAE.

Managers on the part of the House.

Mr. CANNON. Mr. Speaker, by this conference report there is an agreement as to 122 amendments in the sundry civil bill. There is a disagreement as to 61. The House conferees did not feel authorized to agree upon many of these amendments. There was not much difficulty, however, about amendments which are authorized by law. They have been agreed to in the main in this report. There are a large number of amendments made by the Senate proposing appropriations not authorized by any law, and then there are a number of amendments that both appropriate and legislate.

Gentlemen understand what our rules are. And I may say that the Senate rules are substantially the same as ours, namely, that upon these great money bills that must pass or the Government stop it has been found necessary to hedge them about by rules which prevent legislation and deny appropriations when there is no authority of law, if the rules are enforced. The House in the main in this bill, and generally in appropriation bills, has observed these rules.

The Senate, with rules like unto the House rules, by unanimous consent or otherwise, has been heretofore in the habit, upon many money bills, and following that habit, has placed upon this bill a large number of amendments, and thereby said to the House, "You can not get rid of a Senate amendment on a point of order, and the bill can not pass until the Senate amendment is disposed of;" and therefore, by the discretion of the Senate and by the grace of the Senate, the Senate under this condition permits the House, or compels the House (and you may put it either way), to pass upon such matters as it pleases the Senate in this condition of things to submit to us for our consideration.

To illustrate, there is an amendment on this bill to appropriate for a public building in the State of Nebraska. It is not authorized by law. This bill can not pass until that amendment is disposed of by agreement between the House and Senate. Now, it is not in our power, under our rules, as we enforce them, to amend that amendment by putting on a provision for a building at a crossroads or in the city of New York or in the State of Missouri or anywhere else. So that, with a desire on the part of many excellent gentlemen in the House of Representatives to be recognized touching public buildings, we are absolutely powerless on this great money bill to put in one item.

So I might go on to about other items to illustrate what I mean. There are various propositions here, to build light-houses, to build light-ships, to authorize the erection of lights, to light the Canadian coast in one or two instances, and various things of that kind not authorized by law, that the Senate have put upon this bill. They must be disposed of before this necessary bill can pass, and we have to deal with them.

Now, there have been times in the House when very severe criticism has been made against the House Committee on Appropriations because, as it was alleged, it had invaded, in matters of legislation and appropriation, the jurisdiction of other committees. Why, at this session of Congress the chairman of one of the great committees said that the action of the House Committee on Appropriations in thus invading the jurisdiction of the committee over which he had the honor to preside was simply infamous. Yet in every instance that he referred to amendments came from the Senate upon a great money bill, and had to be disposed of and were disposed of by the consent of the House, and generally by the concurrence of the House.

Now, I will not say that this method of proceeding is infamous, but I will say that it is thoroughly bad. It places the great House of Representatives, that is close to the people, at a disadvantage, because, as I said before, it legislates only in part, if we agree to it, and that part just so far as the Senate permits.

Now, I should be glad to have the concurrence of eminent gentlemen in the House in preventing an invasion of the jurisdiction of the other great committees in the House, by rejecting this legislation and these matters of appropriation not authorized by law. [Applause.] I think I have said enough just at this time. I wanted to call the attention of the House to it. Now, not to take any further time, I move the adoption of the conference report.

The conference report was agreed to.

Mr. CANNON. Now I move that the House further insist on its disagreement to the Senate amendments.

The motion was agreed to.

Mr. BURTON. Am I to understand an opportunity will be given to move to concur or nonconcur?

Mr. CANNON. If gentlemen desire upon any of these amendments to move concurrence or nonconcurrence in the amend-

ments, as the case may be, they have the parliamentary right to demand a separate vote; and I certainly have no disposition to undertake to interfere with it.

Mr. BOUTELL of Illinois. Mr. Speaker—

The SPEAKER. Is there a separate vote demanded upon any of these undisposed-of amendments?

Mr. BOUTELL of Illinois. Mr. Speaker, I ask for a separate vote on amendment 183, with reference to the Louisiana Purchase Exposition.

The SPEAKER. Is there any other amendment upon which a separate vote is demanded?

Mr. RIXEY. I demand a separate vote on amendment No. 134.

Mr. BURKE of South Dakota. I demand a separate vote on amendments 121 and 122.

Mr. SOUTHARD. I demand a separate vote on amendment 15.

Mr. BURTON. Mr. Speaker, I desire a separate vote upon amendments 28, 36, 138, 139, 140, 141, 142, 143, 144, and 145.

Mr. JONES of Washington. Mr. Speaker, I demand a separate vote on amendments Nos. 24, 93, and 104.

Mr. SPALDING. Mr. Speaker, I demand a separate vote on amendment No. 133.

Mr. SHAFROTH. I ask for a separate vote on amendments 105 and 106.

Mr. SWANSON. I demand a separate vote on amendment No. 82.

The SPEAKER. Is there any other amendment upon which a separate vote is demanded?

Mr. NEEDHAM. I desire a separate vote on amendments 108 and 109.

Mr. HENRY C. SMITH. I ask for a separate vote on amendments 18 and 19.

Mr. NEWLANDS. Mr. Speaker, I wish to make an inquiry of the chairman of the committee with reference to amendment No. 81. It is an appropriation for the claims of Nevada arising out of the civil war. I understand the gentleman has to-day received a communication from the Auditor of the Treasury for the War Department stating that there is a deduction to be made from his previous estimate of about \$20,000, and that will force this back into conference. Is that the case?

Mr. CANNON. Well, as I understand it, even if the matter were agreed to, from this statement from the Treasury Department the amount is wrong.

Mr. NEWLANDS. It was my intention to take the sense of the House upon this amendment, but I will not take it at this time, with the understanding that hereafter I shall have an opportunity to take the sense of the House upon it.

Mr. CANNON. The gentleman can do this: If the House shall further insist, under the circumstances, the gentleman may move a resolution of instruction, if he sees proper; but it evidently ought not to be agreed to now, even if it was the sense of the House that the general appropriation ought to be made, because the amount is wrong.

Mr. NEWLANDS. Well, I can rest assured under the circumstances that I will have an opportunity hereafter to test the sense of the House.

Mr. CANNON. Well, I dare say, with the temper seen so far as manifested, the Senate, in my judgment, undoubtedly will insist upon this amendment.

Mr. RICHARDSON. I suggest to the gentleman that possibly the conferees on the part of the House may finally agree to it.

Mr. CANNON. Of course if that is done the gentleman from Nevada would have accomplished all he desires.

Mr. RICHARDSON. Certainly.

The SPEAKER. Is there any other amendment on which a separate vote is demanded?

Mr. MOODY of Oregon. I demand a separate vote on amendments numbered 98 and 145.

Mr. PEARRE. I demand a separate vote on amendments 168 and 169.

Mr. GAINES. I have only been able to get a copy of the bill now, and hope there will be an opportunity to ask for a separate vote on any amendments hereafter.

The SPEAKER. Does the gentleman now ask for a separate vote on any amendment?

Mr. GAINES. I do not now, because I have not been able to get a copy of the bill until quite recently, and I do not know.

The SPEAKER. Is there any other demand for a separate vote?

Mr. MORRIS. I ask for a separate vote on amendments numbered 27 and 28.

The SPEAKER. If there be no further demand, the motion of the gentleman from Illinois will be submitted as to the other amendments not named.

Mr. LACEY. Mr. Speaker, I want to make an inquiry of the gentleman in charge of the bill concerning the status of the forest reservation proposition. Is that embraced?

Mr. CANNON. It is not agreed to.

Mr. KING. I desire to demand a separate vote on amendment 64.

The SPEAKER. The question now is on agreeing to the motion of the gentleman from Illinois, that the House insist on its disagreement on all the other amendments undisposed of and not excepted by the requests of members.

The motion was agreed to.

The SPEAKER. The Clerk will now report the first excepted amendment.

The Clerk read as follows:

Amendment 15.

Mr. BOUTELL of Illinois. Mr. Speaker, I ask that the House recede and concur in the Senate amendment—

The SPEAKER. The Chair would state on these amendments that have been excepted, the requests of members will be called by the Clerk in the order upon which they are in the bill. For the convenience of members, they will be called in their numerical order.

The Clerk read as follows:

(15) Toledo Harbor light and fog-signal station, Ohio: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a light and fog-signal station to mark the outer end of the main channel entrance to Toledo Harbor, Ohio, at a total cost of \$100,000.

Mr. SOUTHARD. Mr. Speaker—

Mr. CANNON. Mr. Speaker—

The SPEAKER. The gentleman from Illinois has the floor. The gentleman from Ohio calls up amendment No. 15.

Mr. SOUTHARD rose.

The SPEAKER. The gentleman from Illinois has the floor. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. CANNON. I will yield to the gentleman three minutes.

Mr. SOUTHARD. Mr. Speaker, I suppose it is in order to move that the House recede from its disagreement and concur in the Senate amendment?

The SPEAKER. That motion is in order.

Mr. SOUTHARD. That is the motion I desire to make.

The SPEAKER. The gentleman from Ohio moves that the House recede from its disagreement and concur in the Senate amendment.

Mr. SOUTHARD. Mr. Speaker, during the Fifty-fifth Congress a light-house and fog-signal station was authorized to be built at the Maumi Strait Channel at Toledo, not to exceed in cost \$75,000. Prior to this authorization a bill had been introduced and referred to the Committee on Interstate and Foreign Commerce. The bill went into the Senate and received a favorable report from the committee in the Senate. The authorization, however, was on the sundry civil bill of the Fifty-fifth Congress. It authorized the contract for the construction of a light-house and fog-signal station not to exceed in cost \$75,000, and appropriated \$37,500 toward the construction of it.

Plans were prepared and bids invited. The lowest bid for the construction of such a light-house as in the opinion of the Light-House Board ought to be constructed at that place was \$98,400. It was suggested that the plan be altered and a different light-house built, but in the opinion of the Light-House Board no structure costing a less amount would be suitable for this location, and at the suggestion of the Light-House Board this legislation has gone into the sundry civil appropriation bill. The plans are all prepared, bids have been invited, and bids received. The Light-House Board have prepared plans for such a structure as in their opinion is necessary for that place. The committee of the House had no doubt about the urgency of this improvement. They reported that this light-house was needed at that place, and it has been needed for a long time.

Mr. COOPER of Wisconsin. Will the gentleman allow me an interruption?

Mr. SOUTHARD. Yes.

Mr. COOPER of Wisconsin. Are you speaking about amendment No. 15?

Mr. SOUTHARD. Yes.

Mr. COOPER of Wisconsin. Is not that most unusual language, to authorize them to enter into a contract at a total cost of \$100,000? The usual language is "not to exceed that amount."

Mr. SOUTHARD. I think the gentleman from Wisconsin is right, but this is the language adopted by the Senate.

Mr. COOPER of Wisconsin. Ought that to be the language in any public act? It forces the expenditure of \$100,000.

Mr. SOUTHARD. I do not think the language will make any difference, because the structure is already planned and bids received. The plans have been prepared, and the bids have been invited and received.

Mr. COOPER of Wisconsin. They can not spend less than \$100,000 under the language of this act. They are authorized to enter into a contract for that amount.

Mr. SOUTHARD. I am willing to offer an amendment as suggested by the gentleman.

Mr. CANNON. How much time, Mr. Speaker, did I yield to the gentleman?

The SPEAKER. The gentleman has used three minutes of the five.

Mr. CANNON. Three minutes is all I yielded.

Mr. ALEXANDER. Will the gentleman yield to me?

Mr. CANNON. No, I think not, because I think I can hasten this matter. This light-house at Toledo is absolutely a proper item, as I believe. It was authorized at \$75,000, and it is necessary, to build it as it ought to be built, that the other \$25,000 should be added. But there is no legislation, either from the want of proper attention or otherwise. There is none whatever. The Senate puts it on, and it is now for the House to say whether it will concur in this Senate amendment or whether it will refuse to concur and remit this proper improvement to the same place that so many other proper improvements are remitted at the close of a session.

The SPEAKER. The question is on the motion of the gentleman from Ohio that the House recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. SOUTHARD) there were 51 ayes and 63 noes.

So the motion was lost.

The SPEAKER. The Clerk will read the next amendment on which a separate vote is demanded.

The Clerk read amendment numbered 18.

Mr. HENRY C. SMITH. Mr. Speaker, I withdraw my request for a separate vote on that amendment, and also the following one.

Mr. CANNON. Then, Mr. Speaker, I ask that the House further insist on amendments 18 and 19.

The SPEAKER. Does the gentleman from Illinois desire to make his motion on amendments separately? The amendment which the gentleman from Ohio asks a separate vote on has been voted down.

Mr. CANNON. I think we will go through with all the amendments and then I will make one motion covering them all.

Amendment numbered 24, in regard to joint light-houses and fog-signal stations in Alaskan waters, was read.

Mr. JONES of Washington. I withdraw my request for a separate vote on that amendment.

Amendment numbered 27 was read, as follows:

On page 23, after the word "dollars," in line 3, insert:

"The Light-House Board is hereby authorized and directed to establish suitable lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, in Minnesota."

Mr. MORRIS. I move that the House recede from its disagreement and concur in this amendment of the Senate.

The SPEAKER. How much time does the gentleman from Illinois [Mr. CANNON] yield to the gentleman from Minnesota [Mr. MORRIS]?

Mr. MORRIS. I want only two or three minutes.

Mr. CANNON. I yield the gentleman two minutes.

Mr. MORRIS. The object of this amendment is to establish lights at the mouth of the Rainy River and the Warroad River, a small stream running into the Lake of the Woods, in the northern part of Minnesota. That country is now being very rapidly settled. Quite a large steamboat traffic is being carried on between the Rainy River and the Warroad River and the Canadian side of the Lake of the Woods. The trouble is that this particular territory is not in any light-house district. If it were, it could be provided for by the Light-House Board, but under existing circumstances it is necessary to have this legislation. In order that the steamboat men may get into the Rainy River and this little Warroad River it is necessary that these small lights should be established at the entrance of these rivers. No additional appropriation is involved. The amendment simply authorizes the establishment of these lights out of the appropriation which is made for such purposes; and, as I have said, the authorization is only necessary because those waters are not in any light-house district.

Mr. CANNON. I want to say only a word. This is legislation.

The question being taken on the motion of Mr. MORRIS that the House recede from its disagreement and concur in the amendment, it was rejected.

Mr. MORRIS. I withdraw my request for a separate vote on amendment numbered 28. I am willing to leave the matter to the conferees.

Mr. BURTON. I withdraw my demand for a separate vote on amendments numbered 28 and 36.

Mr. KING. I withdraw my demand for a separate vote on amendment numbered 64.

Amendment numbered 82 was read, as follows:

SETTLEMENT OF CERTAIN STATE CLAIMS.

The Secretary of the Treasury, the Secretary of War, and the Attorney-General are hereby fully authorized and empowered to compromise, adjust, and finally settle with the governors, respectively, of the States herein named, or with such person or persons as may be authorized by the laws of said several States to act in their behalf in making the several settlements herein provided for, such settlements to be made upon such terms and conditions as to them may seem just and equitable, subject to approval by Congress as hereinafter provided, and said compromises, adjustments, and settlements to be made by said Secretary of the Treasury, Secretary of War,

and Attorney-General with the following States, namely: Virginia, Delaware, Pennsylvania, and New York for and on account of advances and expenditures made by said States in the war of 1812 with Great Britain and now in dispute; with the State of South Carolina for and on account of advances and expenditures made by said State in the war of 1812 with Great Britain now in dispute, and also on account of money expended by said State for military purposes in the Florida war of 1836, 1837, and 1838 now in dispute, and as against Virginia and South Carolina the claims of the United States on account of principal and interest of the unpaid bonds of said States, respectively, due to the United States and held in its own right or in trust by the United States; and with the States of California and Oregon for and on account of advances and expenditures made by said States in the war of the rebellion and claimed to be due them, being the claims and demands made by said States of California and Oregon and now on file and particularly described and mentioned in Senate Report No. 544, part 2, second session Fifty-fifth Congress.

And any compromise or settlement they may make with the said States, respectively, shall be fully reported to Congress for its future further action, stating the amounts, if any, which should be paid by the United States to any of said States and the amounts, if any, which should be paid by any of said States to the United States. And the Secretary of the Treasury is hereby directed to suspend until further action of Congress any act or proceeding under provisions of section 4 of the act approved March 3, 1899, entitled "An act to amend an act entitled 'An act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,'" as respects the States of Virginia and South Carolina.

Mr. SWANSON. I desire to withdraw my demand for a separate vote on this amendment.

Mr. MUDD. I renew the demand. I move that the House recede from its disagreement and concur in the Senate amendment with an amendment which I send to the desk.

The amendment of Mr. MUDD was read, as follows:

Page 70, line 2, between the word "for" and the word "such," insert "and with the city of Baltimore or its legally authorized financial officer or agent."

Between the words "New York" and the word "for," line 8, insert "and the city of Baltimore."

Between the word "States," line 9, and the word "in," in line 10, insert "and the city of Baltimore."

Page 71, line 6, between the word "States" and the word "respectively," insert "and the city of Baltimore."

Mr. MUDD. Mr. Speaker, I want about two or three minutes.

The SPEAKER. How much time does the gentleman from Illinois yield to the gentleman from Maryland?

Mr. CANNON. Three minutes.

Mr. MUDD. Mr. Speaker, my object in offering this amendment is that the city of Baltimore shall share the same fate as the States which have been named in the amendment of the Senate. The amendment was offered in the Senate, including with these States the city of Baltimore, but (for what reason I am not aware) Baltimore was afterwards struck out, while the several States named were left in.

The United States owes to the city of Baltimore for advances and expenditures made in the war of 1812, on similar grounds and under similar circumstances to the advances made by the States that are named in the bill. There is no reason for paying these States and not paying the city of Baltimore. I believe this is the only municipality in the country that has such a claim.

Understanding, however, that the gentleman from Virginia [Mr. SWANSON], who had intended to make a motion to concur, is willing to allow the bill to go again to conference without action by the House at this time on this question, I am willing that this amendment of mine, to which I have now called the attention of the House, may be disposed of in the same way and I shall insist that it receive the same treatment. Having called the attention of the House and the conferees to the matter, I do not care to press the amendment now.

These claims, it is well understood, are for interest due the States named—New York, Pennsylvania, and others, and the city of Baltimore—for interest upon, and to some slight extent principal, of moneys advanced for the use of the Government in the war of 1812.

Massachusetts and Maine and one or two other States have been repaid their share of such moneys by various acts of Congress.

In or about the year 1858 Congress passed an act requiring the Secretary of the Treasury to report at the ensuing session just what amounts were due in the aggregate to the various States and the city of Baltimore upon such claims. The Secretary made his report, an extract of which I have before me now.

In that report it is shown that the city of Baltimore at that time had a claim against the Government of the United States, and a valid claim, a claim of precisely the same nature as had been paid in several instances, for interest to the amount of \$53,000, in round numbers, and for balance of principal due, in round numbers, of \$8,000, making an aggregate of somewhat over \$60,000 due over forty years ago to the city of Baltimore. A simple calculation of interest will show what is now the claim of the municipality of Baltimore against the United States.

There is no sort of reason whatever why a distinction should be made between the States and this city, and I apprehend the sense of fairness of this House and of Congress will see to it that no such distinction is made.

As I say, however, I am willing that this matter of Baltimore's claim should go again to the committee of conference between the two Houses. If the claims of the States are allowed by the

conferees, I expect the claim of Baltimore City to be allowed. If it is not, I shall take such action as I find practicable and permissible under the rules toward incorporating the claim of Baltimore city among the claims allowed to the States when the conferees again make their report to the House.

The SPEAKER. Does the gentleman withdraw his amendment?

Mr. MUDD. I understand that to be the suggestion of the gentleman.

Mr. SWANSON. I withdraw it.

The SPEAKER. The amendment is withdrawn. The Clerk will report the next amendment.

The Clerk reported amendment 93.

The SPEAKER. Is a separate vote demanded on that?

Mr. JONES of Washington. I withdraw the demand.

The Clerk reported amendment No. 98.

The SPEAKER. Is a separate vote demanded on amendment No. 98?

Mr. MOODY of Oregon. I withdraw the request.

The Clerk reported amendment No. 105.

The SPEAKER. Is a separate vote demanded on amendment 105?

Mr. JONES of Washington. I withdraw the demand, Mr. Speaker.

The Clerk reported amendment No. 106.

The SPEAKER. Is a separate vote demanded on amendment 106? No one requesting a separate vote, it will be considered as withdrawn.

The Clerk reported amendment No. 108.

The SPEAKER. Is a separate vote demanded on amendment 108?

Mr. NEEDHAM. I withdraw the demand.

The Clerk reported amendment No. 109.

The SPEAKER. Is a separate vote demanded on amendment No. 109?

The request for a separate vote was withdrawn.

The Clerk reported amendment 121.

The SPEAKER. Is a separate vote demanded on amendment 121?

Mr. SPALDING. I withdraw the request.

The Clerk reported amendment 122.

The SPEAKER. Is a separate vote demanded on amendment 122?

Mr. SPALDING. I withdraw the request.

The Clerk reported amendment 123.

The SPEAKER. Is a separate vote demanded on amendment 123?

Mr. BURKE of South Dakota. I withdraw that.

The Clerk reported amendment 134.

The SPEAKER. Is a separate vote demanded on amendment 134?

Mr. RIXEY. A separate vote is demanded on that amendment.

The SPEAKER. The gentleman demands a separate vote on that amendment. What is the motion of the gentleman?

Mr. RIXEY. My motion is to recede and concur in the Senate amendment.

Mr. CANNON. Does the gentleman from Virginia desire to be heard?

Mr. RIXEY. I desire to ask the gentleman from Illinois if he proposes to discuss the question? If so, I wish to be heard.

Mr. CANNON. I think I can say all I wish to say in five minutes.

Mr. RIXEY. I should like to have ten minutes myself on this amendment.

The SPEAKER. The gentleman from Virginia asks for ten minutes.

Mr. CANNON. This is so important a matter that since the gentleman makes the motion I should like to have the sense of the House upon it.

Mr. RIXEY. I desire ten minutes, and there are other gentlemen who desire to discuss the question. I suggest that the chairman of the committee allow us thirty minutes on a side.

Mr. CANNON. Oh, the hour is getting late. I think we can get along with ten minutes on this side, and I will ask the gentleman if twenty minutes will not be satisfactory to him?

Mr. RIXEY. We will try and get along with twenty minutes.

Mr. CANNON. I will yield to the gentleman twenty minutes, to dispose of as he chooses.

The SPEAKER. This comes out of the time of the gentleman from Illinois.

Mr. CANNON. Certainly.

The SPEAKER. Twenty minutes are yielded to the gentleman from Virginia, he to control the same. The Clerk will first report the amendment to the House.

The amendment was read, as follows:

Page 89, after line 18, insert:

"Memorial bridge across Potomac River: To enable the Secretary of War

to commence the construction of a memorial bridge from the most convenient point of the Naval Observatory grounds, or from some point adjacent thereto, across the Potomac River to the most convenient point of the Arlington estate property, according to the recommendations of the board of officers of the Corps of Engineers and of architects, approved by the Secretary of War and the Chief of Engineers of the United States Army, as set out in Document No. 578 of the House of Representatives, first session of the Fifty-sixth Congress, the sum of \$200,000."

Mr. RIXEY. Mr. Speaker, this is not a new question. It has been before Congress in one form or another for the last ten or twelve years. A number of bills have been introduced in both Houses of Congress. A report has been made to this House in one or two Congresses, and a bill was passed in the Senate providing for the building of a bridge across the Potomac River. The importance of a bridge across the Potomac River, connecting the city of Washington with Arlington Cemetery, has been urged repeatedly by the several Quartermasters-General, by several of the Secretaries of War, and more recently by the President of the United States.

Every precaution has been taken to secure a proper location and proper plans. In 1897 the sundry civil bill carried an appropriation of \$2,500 for the purpose of making soundings to ascertain whether the proposed location was suitable. Under that appropriation the Engineer Corps reported that it had made soundings and that the bed of the Potomac was solid rock, and that a proper foundation could be secured upon it for the bridge—in fact, a more suitable location could not be secured than from the old Naval Observatory grounds to Arlington. The sundry civil bill of March 3, 1899, carried an appropriation of \$5,000 to provide plans and specifications for a bridge across the Potomac at that point. Under that appropriation architects were selected and called on to make a report.

Upon the receipt of their several plans by the War Department, the Secretary of War appointed a special board, consisting of three members of the Corps of Engineers and two civilian architects. This board, consisting of engineers and architects, reported unanimously in favor of the plan which was subsequently approved by the Engineer in Chief, General Wilson, and by the Secretary of War. The plan submitted provided for an expenditure of something less than \$4,000,000 for the bridge. The Chief of Engineers, General Wilson, and the Secretary of War recommended that the plans be modified by additions so that the total cost would be something less than \$5,000,000. The importance of the bridge at this point is well set forth in the report of the Secretary of War in 1893. I read from his report:

Very large sums have been appropriated by Congress for the construction of roads to cemeteries, more or less unimportant, in various parts of the country, but a like generous care has not been bestowed upon Arlington, the most important of all. The Arlington Heights grounds contains 1,100 acres, with a frontage of about 1 mile on the Potomac. They constitute one of the grandest and most beautiful parks in the country, the national cemetery occupying about one-fifth of the inclosure. In addition to its historical associations, the park abounds in rare natural beauty, and has been most carefully kept and improved.

Few cities have so fine a park contiguous to their borders. Arlington Cemetery, where so many heroes lie buried, has in a large measure become, like Great Britain's Westminster Abbey, the nation's "Walhalla." Consecrated as it is to our illustrious dead, with its stately and expressive monuments commemorative of the deeds of patriots, its hallowed associations and its lessons appeal strongly to all visitors to the nation's capital. But the journey thither by a roundabout way, over roads controlled by local authorities, which are rough at all times and frequently well-nigh impassable, is not only tedious and uncomfortable, but involves an expenditure of time and money which deters great numbers from undertaking it.

A bridge over the Potomac at or about the terminus of New York avenue, near Observatory Hill, would furnish a short and direct route to the park and cemetery, and would, in fact, bring them to our very doors. But the park and cemetery are not alone to be considered. As a means of direct and rapid communication between the capital and the important military post of Fort Myer, which adjoins the park on the north, the value, in a military sense, of a bridge at this point can not be overestimated. Such a bridge would also practically join this beautiful park to the large area of reclaimed lands on the river, all of which is to form one grand park. Plans for such a bridge have been prepared by the Engineer Department, and its construction is urged as a necessity. It is respectfully recommended that Congress be requested to make an appropriation therefor.

I also quote from the report of the Secretary of War for 1894:

I renew the recommendation for improved transportation facilities between the seat of Government and the Virginia shore, and for the construction of a memorial bridge to render speedily accessible the principal military post of the capital, Fort Myer, and to furnish a befitting approach to the national cemetery at Arlington. The need of such a bridge to Potomac Heights grows more imperative each year, and the surroundings suggest that it should be so designed as to become one of the permanent memorial structures of the capital. Historical associations and natural beauty give the site unsurpassed value for such a purpose.

I read again from the report of the Quartermaster-General for 1891, as follows:

The necessity for improved approaches to the Arlington National Cemetery and Park, as referred to in my last annual report, is again earnestly urged upon Congress, and an appropriation therefor recommended. Estimates made by engineers of this Department for the construction of good macadamized roads, of a substantial and durable character, fix the cost at \$50,000.

The present intolerable condition of the approaches to this historical spot, which forms a part of one of the most beautiful parks in the country, and where so many of the nation's heroes are buried, should be remedied at the earliest practicable date, so as to render it more accessible to the people of the city of Washington and to the thousands of visitors to the national capital from all parts of the country.

In this connection I also renew my recommendation of last year, that an appropriation be made by Congress for the construction of a bridge over the Potomac at or about the terminus of New York avenue, near Observatory Hill, which, if constructed, will not only furnish a short and direct route to the cemetery and park, but also be a means of direct and rapid communication between the capital and the important military post of Fort Myer, Va., which adjoins the cemetery on the north. The value from a military point of view of a bridge at this place is apparent.

The Secretary of War in his annual report for 1895 says:

Improved means of communication between Washington and the Virginia shore must very soon be provided. Another bridge is not only a conceded necessity to the population of both sides of the Potomac and as an approach to the national cemetery at Arlington, but also as a military convenience to bring the principal garrison of the national capital within easy reach of its streets and public buildings.

Twice I have submitted the suggestion that such a structure can easily be made the most impressive of the world's memorials to heroism. The natural advantages of the site are unsurpassed. The region is associated with war as no other region of our country, and the site is distinctly national. Such a memorial bridge, ornamented with statues of our greatest warriors, with symbolical figures of the strong qualities that warfare brings into play, and with representations of the crucial events in national history, would be the same incomparable memorial to the greatness of a peaceful people aroused by war as our single shaft to Washington is the worthiest monument to individual greatness which human genius has yet executed. It is not proposed that the embellishment of the bridge shall now be provided for, but it is urged that its ultimate memorial character shall be considered in the first designs and earliest appropriations.

I call the attention of the House to the fact that the approach on the city side is owned by the National Government. The land upon the south side of the Potomac is also owned by the Government. The bed of the Potomac is owned by the Government. No better place can be found for the building of this bridge; it is urged as a necessity by the War Department, it was recommended by the President, and I trust that this House will be in favor of it.

I yield three minutes to the gentleman from Maryland [Mr. MUDD].

Mr. MUDD. In my time I want to submit a proposition which I would be glad if the gentleman from Virginia could see his way clear to accept in lieu of his own.

The SPEAKER pro tempore (Mr. LANDIS). The amendment will be read in the gentleman's time for information.

Mr. MUDD. Yes; I do not offer it now. I ask that it be read in my time.

The Clerk read as follows:

Recede from disagreement to Senate amendment, and concur therein with the following amendment: Add to Senate amendment after word "dollars," on line 6 thereof, the following: "and the Secretary of War be, and he is hereby, authorized to contract for the construction of said bridge at a total cost not to exceed \$5,000,000."

Mr. MUDD. Mr. Speaker, the proposition which has just been read from the Clerk's desk perhaps expresses my judgment as to this measure for the construction of a memorial bridge better than I could do it in any other way. I believe that we should construct this bridge and that we should authorize the Secretary of War to contract for it now.

I shall not, however, insist upon the provisions of the amendment which I have suggested and had read to the extent of conflict with the motion made by the gentleman from Virginia, because I am willing to cooperate in any effort from which there is any hope of success for this movement.

This matter has been pending before the two Houses of Congress for about fifteen years. Some gentlemen seem to be inclined to still further delay and to urge difficulties in the way of selection of plans. I apprehend, Mr. Speaker, that we do not want to cause any further postponement of this great work, if it is to be done at all, by any discussion or controversy over the question of the selection of plans.

A board of architects appointed by the Secretary of War has decided upon what, in my judgment, are suitable and admirable plans for the building of this project, and the Secretary of War has approved them.

Many varied interests and the best impulses of the best sentiment of the country look favorably upon this project.

The Grand Army of the Republic favors and has appealed to Congress from time to time for the construction of this bridge. The Secretary of War has over and over again reported in its favor. The President of the United States, in his late message to Congress, commends it, in terms that should appeal to us all, as what he was pleased to regard as "a monument to American patriotism."

This bridge should commend itself to this body both as a measure of utility and as a measure of the best and highest national sentiment.

It commemorates the one hundredth anniversary of the establishment of the seat of government of this country in this city.

This bridge will span the Potomac River. It will link this city of the living with the city of the dead over yonder at the home of Lee.

It will, in better and more attractive manner than can in any other way be devised, give a concrete expression to the sentiment of the figurative hand clasp across the line that hitherto divided

the two sections of this country. It will typify and symbolize and be for the years to come an object lesson of the complete and, as we hope, the lasting unity of the two sections of this great land.

There are no adequate facilities now for crossing this river between the national capital and the national cemetery.

There is no occasion for parsimony or illiberality in expenditure for a project of such national, patriotic, and commemorative character as this would be and ought to be.

There is a surplus, and large surplus, of money in the Treasury of the United States. It seems to me there could be no better way of distribution, no method of expenditure more in consonance with national spirit and national pride, than in the erection of great public works that at once tend to facilitate travel and trade between the various communities between which they are built, and to perpetuate and keep alive the memory of the great landmarks of the history of the country.

Mr. CANNON. How much time has the gentleman remaining?

The SPEAKER pro tempore. The gentleman has nine minutes remaining.

Mr. CANNON. I hope the gentleman will use five more minutes of his time.

Mr. RIXEY. I will say to the gentleman I only have nine minutes remaining. [Cries of "Vote!"]

Mr. CANNON. I yielded the gentleman twenty minutes of my time.

Mr. RIXEY. I yield three minutes to the gentleman from Maryland [Mr. PEARRE].

Mr. PEARRE. Mr. Speaker, so far as I have been able to gauge the sentiment of this House upon this subject, which has recently been brought to its attention by the incorporation into this bill of the Senate amendment, there is very little difference of opinion as to either the necessity or the propriety of this memorial bridge. The District of Columbia has been separated, we may say, from the State of Virginia and from the whole South by the Potomac River without any proper or decent means of communication between the two. If you canvass the sentiment of this House upon this subject, you will discover that almost every man yields to the argument or suggestion that this bridge should be built, and many suggest the postponement of the beginning of this construction at this time.

It appears to me, sir, that now is the accepted hour, now is the time to begin this bridge; not only because the revenues of the Government of the United States are greater than they have ever been before; not only because this Government at this time can better afford to pay the money to construct this bridge, if it does construct it, but because, sir, the relations existing between the great Southland and the North have reached that degree of harmony that this sentiment of reunion and of reuniting the two sections can be best and most opportunely incarnated in this magnificent memorial structure. [Loud applause.] The time has come, sir, after many years of travail, after many years of hesitation, after many years of pride, and after many years of misgiving and suspicion upon both sides—the time has come when the heart of this nation has become healed and the two sections are united; the time has come when the boy of the North and the boy of the South march side by side for the glory of the flag and the honor of a reunited country. That time, sir, is the time when this memorial should be constructed. [Loud applause.]

The SPEAKER pro tempore. The gentleman from Virginia has six minutes remaining.

Mr. RIXEY. I would be glad if my friend from Illinois would use some of his time.

The SPEAKER pro tempore. The gentleman from Illinois had yielded the gentleman from Virginia twenty minutes of his time.

Mr. RIXEY. I now yield to my colleague [Mr. SWANSON].

Mr. SWANSON. Mr. Speaker, this is not an unusual appropriation. There is nothing in this appropriation that Congress has not repeatedly done. As was well stated by the Secretary of War, appropriations have been made repeatedly for roads, beautiful avenues to cemeteries, where soldiers were buried. In all parts of the Union thousands and thousands of dollars have been appropriated in the past for that purpose. The cemetery at Arlington is the most important cemetery in the country. The United States Congress has appropriated thousands and millions of dollars for parks in various parts of the country commemorating the late war. It has parks in the various States of the Union, and the sums appropriated for all these purposes vastly aggregate what it will cost to build this bridge.

Now, this bridge is for ornamental purposes and for useful purposes, which is rare in the other appropriations heretofore made. Here is the capital of the nation, and the whole people of the United States are interested in all which makes Washington great and beautiful. The nation owns it. All the people of this country are interested in Arlington. There is the national cemetery. There will be buried in the future, as there has been buried in the past, the great heroes of this nation. It is proposed to build a bridge that will connect that portion of the city from the Naval

Observatory with Arlington, making it the most beautiful bridge in the world.

Upon it is proposed, instead of having monuments scattered here and there in the various parts of the city, to erect on the bridge monuments and memorials of the distinguished citizens of the United States. If you want to make a memorial that will be beautiful, be remembered, that will be equal to the Washington Monument, to which you have contributed thousands and thousands of dollars, one that will be more sensible and certainly equal in every way, then make this appropriation for this beautiful and great bridge. It will have as much beauty, it will have as much sentiment, it will have as much admiration and devotion to the great heroes and the great achievements of this nation as all other memorials combined.

Now, Mr. Speaker, in addition to that, as I have said, nothing practically has been spent upon Arlington in the shape of roads and avenues, compared with that which has been spent in other places. Look at the Government parks at Gettysburg, and Chattanooga, and the amount that has been contributed toward them, and here is Arlington, right at the capital, where we all can go, and this bridge will open it up and make it a beautiful section in that direction.

In addition to that here is the capital of the nation. Across the river are all the defenses to this great capital. There is Fort Myer, there are the cannon, there are the troops to defend this capital. Consequently this bridge, in addition to being a memorial, has been recognized by the Secretary of War as necessary for the purposes of defense of the capital. It is closely connected with the troops at Fort Myer. If anything should occur in Washington requiring the soldiers to be here quickly, it is of the utmost importance that this bridge should be built so that they could come directly, quickly, and promptly.

In addition to that, Mr. Speaker, this plan has been tried and passed upon by four of the best architects and recommended by them. The War Department approves of it; the President in his message recommended it as a proper and legitimate object of governmental aid and support.

Now, Mr. Speaker, I have heard it whispered around here that it will be by the terms of appropriation an object of expenditure for an unlimited amount.

This appropriation is for the method recommended by the War Department. Congress limits it so that it can not exceed \$4,800,000, as I understand it. We would have liked to have heard the objections to it so that we could have answered them. This only carries an appropriation of \$200,000. If Congress sees proper in the future to lessen the cost of the bridge, Congress has the thing entirely in its power. You do not enter upon the expenditure of any unlimited amount by making this appropriation.

Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. CANNON. Mr. Speaker, as there is another important amendment, and it is now the hour of 5 o'clock, I will ask unanimous consent that I may have an additional hour.

The SPEAKER pro tempore. The gentleman has forty minutes of his hour remaining now.

Mr. CANNON. I withdraw my request, Mr. Speaker. I now yield five minutes to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. BABCOCK. Mr. Speaker, I have always been a firm believer that a bridge across the Potomac River at Washington would be a very desirable and appropriate thing to build. I have always been friendly to the proposition, and to-day I would be glad to vote for a bill, if brought before the House here intelligently and with a design which met the approval of the people of the District and the Secretary of War, in such a manner that Congress would know what it was doing.

Mr. MUDD. May I ask the gentleman a question?

Mr. BABCOCK. I have only five minutes. The proposition before the House is to make a certain minor appropriation limiting the expenditure in the future to a certain sum. Now, in the first place, Congress has not this matter in shape to act intelligently. A memorial bridge has no better friend in this House than I am. But I am against this proposition until it has been brought to the House intelligently, and has been considered by a committee of the House that can make its report and answer all questions as to the design and the cost and the terms of construction.

Gentlemen, you have no information here except some surveys that have been submitted by the War Department. Now, if I found that it would require \$6,000,000 to build that bridge and we had an intelligent report here upon it, I would vote for it to-day.

Mr. GROSVENOR. What is this? [Holding up a large document.]

Mr. BABCOCK. That is the report submitted by the Secretary of War.

Mr. GROSVENOR. With all the drawings and plans for this proposed bridge.

Mr. BABCOCK. Yes, sir. With drawings and plans; but I have been informed by reputable men in the District of Columbia that they do not want that kind of a bridge; that the plans are not satisfactory.

Mr. GROSVENOR. You want the "reputable men" to have the first say about this matter.

Mr. BABCOCK. Oh, no; but this bridge is proposed as a great monument to—

Mr. GROSVENOR. It may be that this report is weaker because it did not come from the Committee on the District of Columbia.

Mr. BABCOCK. Does the gentleman think so?

Mr. GROSVENOR. No; but the gentleman himself does.

Mr. BABCOCK. Thank you. The gentleman from Ohio well understands that this appropriation could not well come from the District Committee without the consent of the House. But I do think, Mr. Speaker, that this is a matter that can well be put off until it has been further considered—put off until a day when this House can act intelligently upon the whole subject.

Mr. HULL. Does not the gentleman think that some limit should be placed upon the expenditure, so that the ultimate cost of this bridge may be at least approximately determined beforehand?

Mr. BABCOCK. The amendment specifies a limit of \$5,000,000; but that limitation amounts to nothing. Congress would be called upon to appropriate whatever the bridge might cost.

Mr. COOPER of Wisconsin. Mr. Speaker, I have in my hand a copy of the same report to which the gentleman from Ohio [Mr. GROSVENOR] has just alluded. I notice that it is signed by Charles J. Allen, lieutenant-colonel, Corps of Engineers; Thomas W. Symons, major, Corps of Engineers; D. D. Gaillard, captain, Corps of Engineers; Stanford White, a very distinguished architect; James G. Hill; and is approved by the Secretary of War.

This board of experts, as I understand, was commissioned for the express purpose of computing with the utmost accuracy and detail the cost of the bridge, which I understand they have done in extenso. They were authorized and instructed to do this by an act of Congress in pursuance of which they have acted. To say that with such a report before us we can not act intelligently is, it seems to me, rather begging the question, for we can not hope to get from any board a more intelligent and exhaustive report than that already submitted.

The SPEAKER pro tempore. The time of the gentleman from Wisconsin [Mr. BABCOCK] has expired.

Mr. CANNON. I yield to the gentleman further time.

Mr. BABCOCK. I understand, Mr. Speaker, that this report has been submitted by the War Department in answer to a resolution adopted by Congress, and to a certain extent the plans submitted by this board have been approved. But I do not understand that the report has been even considered by any committee to which this proposed legislation properly belongs. The Committee on Interstate and Foreign Commerce, I think, have jurisdiction of the subject. I have nothing further to say, except that I think it would be unwise to enact this legislation at the present time.

Mr. SWANSON. I want only one minute in which to correct a mistaken statement of the gentleman from Wisconsin. I understood him to say that this matter has never been before any committee of the House. If I mistake not, the gentleman's own committee, the Committee on the District of Columbia, has reported on this question and, I believe, reported it several times.

Mr. BABCOCK. No, sir; I think not.

Mr. SWANSON. Then it was the Committee on Interstate and Foreign Commerce.

Mr. BABCOCK. Possibly so. The Committee on the District of Columbia has not reported any such measure.

Mr. CANNON. Mr. Speaker, if I can have the attention of the House, I think I can say in about three minutes all I wish to say.

This is another legislative provision placed upon this bill by the Senate. It never was moved by any committee in the Senate. So far as I know, it was never considered by any committee in the Senate. So far as I know and believe, this measure has never been reported by any committee in the House.

Mr. MUDD. The debate in the Senate, as shown by the RECORD, states that this proposition was unanimously reported by the Senate Committee on the District of Columbia.

Mr. CANNON. Well, it was referred to the Committee on Commerce over there. But I do not care (to get down to straight business) whether any committee of the Senate ever reported it or not. I do know that it is a proposition against the rules of the Senate and against the rules of the House; for this amendment confessedly as a legislative provision commits this Government in four lines of space to an expenditure of \$5,000,000 for a bridge. Even if it is desirable to build that bridge, I do not think this is the way to get at it. I have to wait until the next session of Congress, and the Lord knows how much longer, for desirable legis-

lation and appropriation for a very important public improvement in my part of the State of Illinois. So it is with interests all over the country.

Now, then, considering the fact that there is the Long Bridge, reaching from one shore of the Potomac to the other; considering the fact that there is the Aqueduct Bridge (which would hold up a whole train of elephants), reaching from the Georgetown shore to the Virginia shore, and as there are street-car lines running to that bridge, it does seem to me that we can afford to wait six months more before authorizing this bridge; wait until the proper committee, the Committee on the District of Columbia, has taken charge of it and reported upon it; wait until it has had its day in this House, and until the inquiry has been made in good faith, whether we can not build this bridge for \$2,000,000, or \$3,000,000, or \$4,000,000, or whether we ought to adopt one of these plans and authorize an expenditure of \$5,000,000, or according to another report \$11,000,000, or according to another report \$16,000,000.

The plans are ornate, but they never have been adopted by Congress, and Congress is not committed to the construction of this bridge. I will tell you what I should like to see. Before this bridge is completed at the expense of the National Treasury, I should like to see the other landing for 3 or 4 miles on the other side of the Potomac River a part of the District of Columbia.

Number 2, if it is to remain a part of Virginia, as it is today, I respectfully submit that, as the bridge lands in Virginia, possibly that great Commonwealth might contribute something toward its construction. But whether it does or not, this bridge that is builded for the benefit primarily of the District and of Virginia, I think might well be paid for out of the District revenues in part, and out of the Treasury of the United States in part.

This proposes to pay it all out of the Treasury of the United States, and not one cent out of the revenues of the District of Columbia. To that, at this time, I am opposed; on the merits I am opposed to it. Then, if I were for it, teeth and toe nails, as strong as I could be, I would object to it until, in an orderly way, it should do as the business that comes from Illinois and every other State in the Union has to do, and that is, to receive its proper consideration and its proper day in the House, and after it has been coolly and calmly considered, that we plant our footsteps in wisdom and do the right thing.

I do not believe in being flushed in the last hours of this session of Congress. From every standpoint I believe that the House ought to put its foot down and refuse to consider with favor this proposition, which we consider by the grace of the Senate alone to-day.

I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. RIXEY] to recede and concur.

The question being taken, on a division (demanded by Mr. RIXEY) there were—ayes 109, noes 103.

Mr. CANNON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 116, nays 130, answered "present" 10, not voting 96; as follows:

YEAS—116.

Acheson,	Davenport, S. W.	Jack,	Rhea, Va.
Adams,	Davey,	Jett,	Richardson,
Aldrich,	Davis,	Johnston,	Ridgely,
Alexander,	De Armond,	Jones, Va.	Rixey,
Allen, Me.	De Vries,	Joy,	Roberts,
Allen, Miss.	Denny,	Ketcham,	Robinson, Nebr.
Bailey, Tex.	Dinsmore,	Lacey,	Rucker,
Ball,	Dougherty,	Lamb,	Russell,
Bankhead,	Driggs,	Lane,	Ryan, N. Y.
Bartholdt,	Elliott,	Latimer,	Ryan, Pa.
Bartlett,	Fitzgerald, Mass.	Lawrence,	Scudder,
Bell,	Fitzgerald, N. Y.	Levy,	Shackleford,
Bellamy,	Foster,	Lewis,	Sheppard,
Benton,	Fowler,	Littlefield,	Sibley,
Boreing,	Gardner, Mich.	Lloyd,	Stark,
Boutell, Ill.	Gardner, N. J.	Loving,	Stokes,
Breazeele,	Gibson,	Lybrand,	Sutherland,
Brownlow,	Gill,	Moon,	Swanson,
Burleigh,	Glynn,	Mudd,	Taylor, Ala.
Burleson,	Graham,	Neville,	Thropp,
Burnett,	Greene, Mass.	Newlands,	Underhill,
Butler,	Grosvenor,	Noonan,	Underwood,
Caldwell,	Hawley,	Norton, S. C.	Waters,
Clark, Mo.	Hay,	Olmsted,	Williams, J. R.
Clayton, N. Y.	Hedge,	Otey,	Williams, W. E.
Cooney,	Henry, Conn.	Otjen,	Williams, Miss.
Cooper, Wis.	Henry, Miss.	Pearce, Mo.	Wilson, Idaho
Cummings,	Henry, Tex.	Pearre,	Wright,
Davenport, S. A.	Howell,	Ransdell,	Young.

NAYS—130.

Allen, Ky.	Brantley,	Burton,	Cox,
Babcock,	Brenner,	Calderhead,	Cromer,
Bailey, Kans.	Brick,	Cannon,	Crowley,
Baker,	Brosius,	Clarke, N. H.	Crum,
Barber,	Brown,	Clayton, Ala.	Crumppacker,
Barney,	Brundidge,	Cochrane, N. Y.	Curtis,
Bingham,	Burke, S. Dak.	Corliss,	Cushman,
Bowersock,	Burkett,	Cousins,	Dahle, Wis.

Dalsell,	Hill,	Miller,	Snodgrass,
Davidson,	Hitt,	Minor,	Spalding,
De Graffenreid,	Hoffecker,	Mondell,	Sparkman,
Dick,	Hopkins,	Moody, Mass.	Stallings,
Dolliver,	Hull,	Moody, Oreg.	Steele,
Driscoll,	Jones, Wash.	Morgan,	Stephens, Tex.
Eddy,	King,	O'Grady,	Stevens, Minn.
Emerson,	Kluttz,	Overstreet,	Stewart, Wis.
Esch,	Landis,	Packer, Pa.	Sulloway,
Faris,	Lanham,	Parker, N. J.	Tate,
Finley,	Lester,	Payne,	Tawney,
Fleming,	Littauer,	Pierce, Tenn.	Taylor, Ohio
Fletcher,	Little,	Phillips,	Terry,
Foss,	Livingston,	Pugh,	Thayer,
Gaston,	Long,	Ray,	Thomas, Iowa
Gilbert,	Loud,	Reeder,	Thomas, N. C.
Gillett, Mass.	McCleary,	Reeves,	Tongue,
Gordon,	McLain,	Rhea, Ky.	Van Voorhis,
Graff,	McPherson,	Shafroth,	Vreeland,
Grout,	McRae,	Shattuc,	Warner,
Grow,	Maddox,	Shelden,	Weaver,
Haugen,	Mahon,	Sherman,	Zenor,
Heatwole,	Mercer,	Showalter,	Ziegler.
Hemenway,	Mesick,	Sims,	
Hepburn,	Miers, Ind.	Smith, Ky.	

ANSWERED "PRESENT"—10

Bishop,	Gaines,	Morris,	Wadsworth.
Bromwell,	Metcalf,	Naphen,	
Capron,	Meyer, La.	Southard.	

NOT VOTING—93

Adamson,	Fox,	McClellan,	Smith, Ill.
Atwater,	Freer,	McCulloch,	Smith, H. C.
Barham,	Gamble,	McDowell,	Smith, Samuel W.
Berry,	Gayle,	Mann,	Smith, Wm. Alden,
Boutelle, Mo.	Gillet, N. Y.	Marsh,	Sperry,
Bradley,	Green, Pa.	May,	Spight,
Brewer,	Griffith,	Meekison,	Sprague,
Broussard,	Griggs,	Muller,	Stewart, N. J.
Bull,	Hall,	Needham,	Stewart, N. Y.
Burke, Tex.	Hamilton,	Norton, Ohio	Sulzer,
Campbell,	Howard,	Pearson,	Talbert,
Carmack,	Jenkins,	Polk,	Tompkins,
Catchings,	Kahn,	Powers,	Turner,
Chanler,	Kerr,	Prince,	Vandiver,
Cochran, Mo.	Kitchin,	Quarles,	Wachter,
Connell,	Kleberg,	Riordan,	Wanger,
Cooper, Tex.	Knox,	Robb,	Watson,
Cowherd,	Lassiter,	Robertson, La.	Weeks,
Cusack,	Lentz,	Robinson, Ind.	Weymouth,
Daly, N. J.	Linney,	Rodenberg,	Wheeler, Ky.
Dayton,	Lorimer,	Ruppert,	White,
Dovenar,	Loudenslager,	Salmon,	Wilson, N. Y.
Fitzpatrick,	McAleer,	Slayden,	Wilson, S. C.
Fordney,	McCall,	Small,	Wise.

So the motion to recede and concur was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. WM. ALDEN SMITH with Mr. WILSON of South Carolina.

Until further notice:

Mr. MCCALL with Mr. GAINES.

Mr. PRINCE with Mr. GRIFFITH.

For this day:

Mr. WADSWORTH with Mr. GRIGGS.

Mr. HAMILTON with Mr. GREEN of Pennsylvania.

Mr. KAHN with Mr. KLEBERG.

Mr. RODENBERG with Mr. COCHRAN of Missouri.

On this vote:

Mr. POWERS with Mr. RIORDAN.

Mr. GILLET of New York with Mr. RUPPERT.

Mr. BROMWELL. Mr. Speaker, I have a general pair with my colleague, Mr. McDOWELL. I do not know how he would have voted if present. I voted "no." I wish to withdraw that vote and to be marked "present."

Mr. MORRIS. I have a general pair with the gentleman from Arkansas, Mr. MCCULLOCH. I voted, and I desire to withdraw that vote and to be marked "present."

Mr. MEYER of Louisiana. Mr. Speaker, I desire to withdraw my vote. I voted "aye." I have a general pair with the gentleman from West Virginia, Mr. DAYTON, and I observe that he has not voted.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

The Clerk reported amendment 138.

Mr. BURTON. Mr. Speaker, I wish to suggest to the chairman of the Committee on Appropriations that this provision also appears in House bill 11646, providing for emergencies, and so forth, in river and harbor work, and I should be inclined to think that it more properly belongs there.

Mr. CANNON. Does this proposition meet with the approval of the gentleman?

Mr. BURTON. It does.

Mr. CANNON. What would the gentleman say to making a motion to concur, in the event of anything happening to the other bill?

Mr. BURTON. I see no objection. In the original statute there was a provision for two dredges. The amount authorized was insufficient, so we struck out the word "two," and the alter-

native was left to construct one or two, so that the general provision might be carried out as far as the amount authorized would allow.

Mr. CANNON. Suppose the gentleman moves to concur in this amendment.

Mr. BURTON. I move to concur in amendment 138.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

Amendment No. 139 was reported.

The SPEAKER. Is a separate vote demanded?

Mr. BURTON. I will say in regard to that amendment it also is duplicated in H. R. 11646, and the provision is very much more carefully drawn there. Therefore I think it would be better to let it stand in the other bill.

Mr. CANNON. Will that be satisfactory to the gentleman from Arkansas [Mr. McRAE]?

Mr. McRAE. We can nonconcur in this. I should prefer to have the provision in the other bill, if it is to become a law.

The SPEAKER. The demand for a separate vote is withdrawn. The Clerk read as follows:

Mississippi River.

The SPEAKER. Is a separate vote demanded?

Mr. BURTON. Mr. Speaker, amendment 140 goes with 141. One hundred and forty is merely the title to amendment 141. The two should go together.

The SPEAKER. Is a separate vote demanded?

Mr. BURTON. I ask unanimous consent that the two be considered together.

Mr. CANNON. All right.

The SPEAKER. Without objection, this order will be made. The Chair hears none.

Mr. BURTON. Mr. Speaker, I move that the House recede and concur with two amendments. The first amendment I will give orally, and the second I will send to the Clerk's desk.

The SPEAKER. The gentleman will state his oral amendment, and the Clerk will report the written amendment.

Mr. BURTON. Line 19, change the words "five hundred" to "two hundred and fifty;" and insert the amendment following at the end of the amendment, after the word "dollars."

The Clerk read as follows:

Recede from amendment numbered 141, and agree with the following, inserted at the end thereof:

"The Mississippi River Commission is hereby directed to prepare, on or before December 1 next, a comprehensive plan for the construction of levees sufficient to restrain the flood waters of the Mississippi River from Cairo to the Gulf. With such plans shall be presented an estimate of the cost of maintaining the same after completion.

"The said commission shall also report the comparative share of such work or the cost thereof which should be borne by the United States Government and by the States and by each of the levee districts, parishes, or counties bordering upon said river, separately stated. Such plan or report shall be presented to the Secretary of War and Chief of Engineers, to be by them transmitted to Congress with such other recommendations and modifications as they may deem proper."

Mr. BURTON. I would like to ask the chairman of the Committee on Appropriations for some time to explain.

Mr. MAHON. I make a point of order that this is new legislation, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania makes the point of order that this is new legislation.

Mr. BURTON. It is germane to a matter that has been the subject of legislation for twenty years. I think the explanation which I can give will make that plain.

The SPEAKER. The Chair will hear the gentleman from Ohio.

Mr. BURTON. Mr. Speaker, I should very much have preferred that this provision for the Mississippi River should go over to the next river and harbor bill, to be brought in next winter; but exceptional conditions exist here which make it necessary to make an appropriation now. Beginning with the year 1881, the General Government instituted extensive plans for the improvement of the Mississippi River.

In the nineteen years from 1881 to 1899, inclusive, something over \$38,000,000 has been appropriated for the Mississippi River below Cairo, or an average of a little over two millions per year. The money has been expended under the direction of the Mississippi River Commission, a body organized by statute passed in 1879. This money has been expended for divers purposes. First, for the construction of levees; second, for the construction of channels, the revetment of the banks, and the protection of the land immediately abutting on the banks; third, for dredging. There have been divers miscellaneous expenses, but these are the three principal objects to which the appropriations have been applied.

The Government has expended during twenty years \$15,200,000 in the construction of levees; a somewhat larger amount for the protection of harbors, revetments, or channel construction, and a considerably smaller amount for dredging. If this question of the building of levees were to come up as an original proposition

to-day, I think it would meet with strenuous opposition in this House.

For myself, I am inclined to say I should oppose it; but their construction has been in progress for nearly twenty years, and may be called the settled policy of the Government. It is claimed by most of those who have examined the subject that they have only an indirect influence upon navigation; certainly upon low-water navigation; but some construction of this kind is necessary to restrain the waters of the river within limits and for the preservation of the harbors and the lands at the side so as to prevent the channel from going out in new and unknown courses, as a result of which the navigation of the river would be very materially interfered with.

It should be stated that more than the amount expended by the Government—\$15,200,000—has been expended by the States, counties, parishes, and levee districts bordering upon the Mississippi River. The levee district, usually made up of counties or parishes, is a political organization, having the right to levy taxes for levees.

The latter amendment to the bill—more important than the legislation as to the amount of the appropriation—seeks information for the further discussion of this subject, to enable us to determine intelligently what shall be the future policy of the Government in constructing these levees, and to secure a proper division between the United States Government on the one hand and the States, counties, and owners of abutting property on the other. It is fair that those who own abutting property and the States along and bordering on the river should pay half of this expense.

The levees have made available many thousands of square miles of land, which without them would be worthless, but which with them are extremely valuable. As regards the amount, it is cut down \$250,000 from the amount provided in the Senate amendment.

It also provides, as I have stated, for an examination and report, which will bring this whole matter before Congress, which shall contain an estimate as to the cost of building these levees, as to the annual cost of maintenance after completion, and as to an equitable division between the General Government and the divers States, counties, and other localities immediately interested.

I may say to the House that the estimate has been made that \$20,000,000 will complete the levees, so, if divided between the General Government and the abutting owners, \$10,000,000 would be paid by the abutting owners and \$10,000,000 by the other party. It would be disastrous to allow this great body of water to go for another year without some appropriation. For this reason, although I should prefer and while the House would prefer to postpone it to next winter, it seems desirable to concur in the Senate amendment with the modification I have offered.

Mr. CATCHINGS rose.

Mr. CANNON. I will yield to the gentleman from Mississippi.

Mr. CATCHINGS. Mr. Speaker, I shall only trespass upon the House a few moments. I desire to say that those who are principally concerned in this appropriation consent to the amendment which has been suggested by my friend from Ohio [Mr. BURTON]. I only rise for the purpose of saying that I do not wish to be understood as being foreclosed as to my future course by any suggestions which have been made.

I am myself perfectly satisfied that no man can investigate the subject who will not reach the conclusion that if there was not a human being living in the Mississippi Valley, and that if it was expected that there would never be a human being living in the Mississippi Valley, it would be the bounden duty of this Government, in the interest of commerce, to build the levees along the banks of the river to restrain its great floods.

Mr. Speaker, the only dispute that has ever occurred between engineers and scientific men is as to the commercial importance of the levees in relation to the low-water navigation of the Mississippi River. They all agree that it is absolutely essential in order to maintain the commercial use of the river during periods of flood that levees should be built to restrain those floods.

If there were no levees on the banks of the Mississippi River and there should be, as it is in times of flood, a great sea of water from 20 to 60 miles wide spreading over an area of 32,000 square miles, you can see, without argument or illustration from me, that all navigation on that river would cease and be destroyed. There was a difference of opinion, and there is now among engineers, as to the value of this restraint of the floods upon what is called the low-water navigation of the river.

I am free to confess, myself, that I am by no means satisfied that the restraint of these floods by embankments operates in any material degree to improve the low-water navigation. But I do know, Mr. Speaker, not only from the reports and arguments and illustrations of these men of science, but from my own personal observation, covering a period of more than a quarter of a century,

that there would be no navigation or commerce upon that river if these floods were not restrained.

I wish also to say that the people of the Mississippi Valley have not been unmindful of the duty of helping themselves. There was an investigation of this entire question made in 1898 by an intelligent, industrious, painstaking committee of the Senate, and it appears from their report, which any man can read who is curious enough to inquire, that the people residing in that valley have expended \$32,000,000 of their own money in an effort to protect themselves from these floods, as against \$15,000,000 expended by the Government.

In other words, for every dollar of money which has gone from the Treasury for that purpose they have taken \$2 out of their own pockets. My own opinion is that it is the duty of this Government to take the sole and entire control of this problem and pay from its own Treasury every dollar which is needed to fend off the great floods which come down from over 27 States of the Union.

Why, Mr. Speaker, the Mississippi River is sui generis. It does not present the case of a man residing on an ordinary stream, who is under obligation to protect himself from the floods that occasionally threaten him. When these floods come, it must be understood that they are the surplus waters flowing from 27 States of the Union, and that the people dwelling in that valley can not be protected unless the whole problem be placed under one hand and be governed by one head.

What would it boot if the people of one part of Louisiana should desire to protect themselves by building levees, and the people of the other parts of Louisiana should choose not to do so, or if the people of Arkansas should choose not to do so? Every man must see that this problem can not be dealt with except it be controlled by one head and one strong arm.

I wish to say that while I have no objection at all to the inquiry suggested by my honorable friend from Ohio [Mr. BURTON], the time will come sooner or later when the people of this country will accept the opinion which I have the honor and the pleasure to announce. The interests involved are too great; they are becoming greater. This question will never rest. It may be postponed for a day; it may be postponed for to-morrow; it may be put off one year or twenty years, but as certain as the sun will shine to-morrow morning the day will come when this great Government, in its generosity and wealth, will take charge of this stupendous problem and settle it once for all.

This is not a question which concerns merely those who dwell on the banks of the river. Gentlemen must understand that the greater part of this valley is yet a wilderness, and that the people who occupy it inhabit only those portions under cultivation. When we consider the very limited area of it which is under cultivation and in actual use as compared with the part yet unsubdued and the taxes which the people have imposed upon themselves, it may be truthfully said that the world from its inception until now does not furnish an example of such self-abnegation and heroic purpose. Indeed, if the whole 32,000 square miles were in cultivation, what those people have done would be a marvel, and yet four-fifths of it is still a wilderness.

Another thing which concerns the whole people of this country is that the Mississippi Valley furnishes a great highway for the railroads. It is as level as the floor upon which we now stand, and great trains go through this valley at a cheapness which can not be found elsewhere in this country. Railroads have laid their tracks, since there seemed to be some promise of immunity from overflow, not only longitudinally, but straight across this great valley at many points.

And, sir, it is to-day worth the while of this Government, if never a steamboat should turn its paddles on that river, if never the ax of the woodsman should be heard resounding through those primeval forests, to fence in these great floods in order that our interstate commerce may make use of that splendid and magnificent natural roadway.

Mr. Speaker, I wish to say another thing. While personally I speak chiefly for the people who till the soil, who earn their bread in the sweat of their face, yet I do not hesitate now to express the judgment that if the assessable value of all the property in the Mississippi Valley could be made known, it would be found that that which is assessed to those who till the soil is little greater than that which belongs to the great corporations which have come to help us develop the country and the railroads which speed through our midst.

I have only risen, Mr. Speaker, for the purpose of saying that never, so long as I am a member of this House—never, so long as I am strong enough to raise my voice here—will I consent to admit for one single instant that it is not a high and solemn duty of this imperial Government to protect that great valley from these floods. [Applause.] I am content to let this amendment go. I am content to have this inquiry made; and, Mr. Speaker, if the dwellers in that valley can get assistance only by further self-

taxation and by adding to the onerous burdens which they have imposed upon themselves, they will accept the harsh and cruel conclusion, hoping that if not now, at least when the levees shall have been completed, the Government will take them from their hands and maintain them at its own expense.

I thank the House for listening to me. I had not intended when I rose to speak at even this length, but merely to express my assent to the motion which my good friend has made. But I am so full of this subject (this being perhaps the last time I shall ever speak upon it) that I could not stifle the impulse once more to say to this House what it has heard me say so many times, that the people of the Mississippi Valley are the greatest, bravest, and most heroic people on this earth. They have been trained to struggle with the mighty forces of nature.

In their prolonged struggle with the great river they have won victories and suffered defeat. When the sky was darkest, by superhuman effort they have turned defeat into triumph. If to-day you could go to that magnificent section you would realize the aspiring ambition and hopeful hearts of those people. Why have they fought this great fight and maintained their undaunted courage? Because in adversity and in triumph, in sunshine and in storm, they have had ever before them the alluring star of hope; because they have firmly and steadfastly believed that if not this year, the next year, or the next, or the next this great and powerful and generous Government would come to their rescue, and save them from this dreadful and crushing burden. [Loud applause.]

Mr. CANNON. I yield to the gentleman from Iowa [Mr. HEPBURN] ten minutes.

Mr. HEPBURN. Mr. Speaker, I am glad to hear what the gentleman from Mississippi [Mr. CATCHINGS] has said to-day. For years, and before the gentleman became a member of this House, some of us insisted that the whole scheme of the levee system along the Mississippi River was a false pretense when it was claimed that it aided in, or in any manner benefited, the navigation of the river. You may remember, Mr. Speaker, with what unanimity, years ago, all of the gentlemen on that side of the House denied that the purpose of these appropriations year after year was to benefit those who owned lands on the Mississippi River.

Never until 1885 would they admit that the levee system had any relation to the benefit of individuals whatever. It was justified, it was insisted upon then, because it was claimed to be an aid to navigation. Now the gentleman tells us that it is a disputed proposition, and that perhaps he himself is content to say that the levee system is not an aid in low-water navigation. When he says that, the whole proposition for which years ago he and the other advocates of the levee system have contended is given away; for every man knows that when that magnificent river is at flood, the levees aid nothing in the navigation.

The gentleman from Ohio has said that \$15,000,000 were expended in the building of levees, and the balance, \$37,000,000, was expended in revetments and excavations. I would like to ask him now whether it is not true that the whole system of revetments has been abandoned by the commission, and that nowhere from one end of the river to the other can you find that old system now being pursued by those gentlemen?

Mr. BURTON. If the gentleman desires an answer, I will say that the plan of revetments, as a general plan for the improvement of the river, has been abandoned. It was found that the cost would be enormous—over \$100,000,000, perhaps \$120,000,000.

Mr. HEPBURN. I made that statement some fifteen years ago in this House, and it was indignantly denied by the gentlemen who were the proponents of this commission system.

Mr. BURTON. Further answering the gentleman, I would say that the revetment system has not been abandoned altogether, but is still used in many places to prevent cut-offs and to preserve the banks.

Mr. HEPBURN. Is it used for any other purpose than in some way or other, where the levee is imperiled, to divert, temporarily, the water?

Mr. BURTON. In some cases it may be used for the protection of the levee, but in the majority of instances it is not.

Mr. HEPBURN. Let me ask the gentleman, Is there any other method now proposed for the improvement of the navigation of the river, for improving its channel, than that of dredging?

Mr. BURTON. Revetment to some considerable extent, besides dredging.

Mr. CATCHINGS. In the Plum Point reach, for instance.

Mr. HEPBURN. Does the gentleman mean to say that revetment has been indulged in by this commission in the last three years?

Mr. BURTON. Certainly.

Mr. HEPBURN. Did they not say some four years ago that they had come to the conclusion that that was an erroneous idea, and that they proposed its abandonment?

Mr. BURTON. If they made a statement of that kind, it was

in the line of what I have already said, that as a general plan, for the improvement of the whole river, that was impracticable; but they have not abandoned it in certain places.

Mr. HEPBURN. That is all I desire to say.

Mr. McRAE. Will the gentleman from Illinois yield to me for a moment?

Mr. CANNON. Yes.

The SPEAKER. How much time does the gentleman from Illinois yield?

Mr. McRAE. I do not care for more than five minutes.

Mr. CANNON. Very well; I yield to the gentleman five minutes.

Mr. McRAE. Mr. Speaker, I want to indorse everything my friend from Mississippi [Mr. CATCHINGS] has said in relation to the importance of Mississippi River improvement, and as to struggles and trials of the people of that great valley. I, however, want to address myself particularly to the pending proposition, which is to concur in the Senate amendment, with the amendment proposed by the gentleman from Ohio [Mr. BURTON].

While we would very much prefer to have the amendment adopted as proposed by the Senate, we must have something at this session, and we do not fear any investigation of the present well-considered plan of improvement of that great waterway by the able commission charged with the work, or by any committee or commission that may be appointed by this Congress. A committee of the Senate within the last few years investigated it and made a favorable report upon it. We are committed to the improvement of this river in the manner suggested by the gentleman from Ohio [Mr. BURTON]. That the work has been beneficial to navigation, and at the same time of benefit to the inhabitants, to those living in the valley, will not be denied by anyone familiar with the conditions before the work commenced and now. But the commission charged with this duty, a commission of able men, agree that the levees are necessary to the improvement of navigation for the reason that the water flow is thereby confined to its regular channel deepened.

It has been the custom for the past eight years to authorize appropriations for the Mississippi River, from Cairo to the Head of the Passes, at the rate of about \$2,250,000 per annum, in terms of four years each.

The last term of four years expires with this fiscal year, so that the failure to pass a river and harbor bill leaves that river without provision.

It will be a great misfortune to reduce this amount, for about half of it will be needed in strengthening the weakest levees so as to enable them to withstand the flood which may occur any spring, and thus prevent the destruction of millions of dollars of property; whereas if the disaster come, for the want of this appropriation, then next year's allotment will be required to close the breaks and no advancement will result for two years. Colonel Gillespie, president of the Mississippi River Commission, was called upon by the chairman of the Senate Commerce Committee for a report as to the needs of the commission, and he said that \$3,000,000 was necessary to continue the work.

A failure to provide for continuing levee work will cause a dispersion of levee contractors who have collected there in numbers on account of the certainty of continuous employment, and when levee work is resumed they can not get their outfits back without great expense, which will result in increased cost of future levee work.

It would be ruinous to stop the progress of improvement just now, when such beneficial results have been obtained.

While the levees are in better condition to stand an ordinary flood, they are not, in the opinion of the commission, strong enough to withstand a great flood, such as we may expect; and the commission estimate that it will require \$20,000,000 to bring them to that standard.

With \$1,125,000 expended by the Government (as would be the case if the amendment stands at two million two hundred and fifty thousand), and with about the same amount expended by State organizations, it will require ten years to reach that standard. The necessity for continuing improvement is, therefore, very urgent, and may enable the levees to hold against some flood in the near future, while preparing against the time when the greatest flood must come.

Mr. RIDGELY. Will the gentleman yield for a question?

Mr. McRAE. Certainly.

Mr. RIDGELY. Can you tell us if the plans in contemplation include the storing of this flood water at the heads of the streams that empty into the Mississippi River?

Mr. McRAE. The present plan does not contemplate that.

Mr. RIDGELY. Do you not think that that is one of the most effectual methods?

Mr. McRAE. I sincerely trust that it is true, for we in the lower valley of that great river would be more than delighted with some such plan by which the water could be kept up in the mountains and off of us. We would be only too glad to find

some plan to transfer it to the dry lands of Kansas, Nebraska, and to the arid regions.

Mr. RIDGELY. If you will let us have one-half of the money we will keep two-thirds of the water away from you.

Mr. McRAE. I hope, my friend, that you may be right about it, but that will not do us for this year. When this amendment was put on this bill, it was thought there would be no river and harbor bill, and we thought the work too important to be neglected. This great inland waterway affects so many people and affects the commerce of so many States that it must not be neglected. We have, so far as the House is concerned, committed the Government to building the Nicaragua Canal on foreign soil in order to extend the growing commerce of this expanding country. Shall we at the same session of Congress abandon the greatest waterway in the world, which divides our Government from north to south? I hope not. [Applause].

Mr. CANNON. I hope we may have a vote on the proposition of the gentleman from Ohio.

The SPEAKER. The first question is on the point of order made by the gentleman from Pennsylvania [Mr. MAHON], that the amendment is not germane to the Senate amendment.

Mr. MAHON. I made the point of order that it was new legislation, and also that it is not germane.

The SPEAKER. The point of order is overruled. If the point were to be sustained, it would entirely disarm the House from the treatment of amendments of the Senate. The Senate amendment has reference to the Mississippi River and its improvements and the Mississippi River Commission, and the amendment offered by the gentleman from Ohio [Mr. BURTON] treats of the same matter. The question is on the motion of the gentleman from Ohio [Mr. BURTON], to recede and concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

Mr. TAWNEY. I move that the House do now adjourn.

Mr. CANNON. I trust not.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 47, noes 106.

So the motion to adjourn was rejected.

The SPEAKER. The Clerk will report the next amendment.

The Clerk reported amendment 142.

Mr. BURTON. Mr. Speaker, I withdraw the demand for a separate vote on that amendment.

The SPEAKER. The Clerk will report the next amendment.

The Clerk reported amendment 143.

Mr. BURTON. I withdraw the demand for a separate vote on that amendment.

The SPEAKER. The Clerk will report the next amendment.

The Clerk reported amendment 144.

The SPEAKER. Is a separate vote demanded on this amendment? No one appearing to demand a separate vote, the demand will be considered as withdrawn, if there be no objection.

There was no objection.

The Clerk reported amendment 145.

The SPEAKER. Is a separate vote demanded?

Mr. MOODY of Oregon. Mr. Speaker, I withdraw the demand.

The Clerk reported amendment 168.

The SPEAKER. Is a separate vote demanded? No one appearing to demand it, without objection, the demand will be considered as withdrawn. The Clerk will report the next amendment.

The Clerk reported amendment 169.

The SPEAKER. Is a separate vote demanded?

Mr. PEARRE. Mr. Speaker, I withdraw the demand.

The SPEAKER. The Clerk will report the next amendment.

The Clerk reported amendment No. 183.

The SPEAKER. Is a separate vote demanded?

Mr. BOUTELL of Illinois. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

After line 10, page 164, insert:

"Louisiana Purchase Exposition: For defraying the expenses of the Louisiana Purchase Exposition Commission, when appointed, \$10,000; and when the Louisiana Purchase Exposition of 1903, a corporation under the laws of the State of Missouri, shall have raised, to the satisfaction of the Secretary of the Treasury, \$10,000,000 for and on account of inaugurating and carrying forward an exposition at St. Louis, Mo., to celebrate the one hundredth anniversary of the purchase of Louisiana Territory by the United States, then the United States will authorize the expenditure of the sum of \$5,000,000 for such exposition, to be disbursed under the direction of 'The Louisiana Purchase Exposition of 1903,' under rules and regulations and under conditions to be hereafter prescribed by the Congress: *Provided, however,* That said sum of \$5,000,000 shall not be expended until the said sum of \$10,000,000 raised by said Louisiana Purchase Exposition of 1903 shall have been expended for and on account of said exposition, and there shall be repaid into the Treasury of the United States the same proportionate amount of the aid given by the United States as shall be repaid to either the corporation or the city of St. Louis: *And provided further,* That all sums expended by the Government on account of said exposition, except for its own buildings and exhibits and the care of the same, shall be deducted from any general appropriation made for said exposition."

Mr. CANNON. I have asked a number of gentlemen who are favorable to the motion of the gentleman from Illinois [Mr. BOUTELL], although I have not asked him, what the desire was for debate upon this matter, and generally, I think, gentlemen are willing to have a vote without debate. I will ask the gentleman from Illinois what he desires.

Mr. BOUTELL of Illinois. Considering the lateness of the hour and the disposition of the House, I am entirely willing that the motion should be voted upon without debate on either side.

The SPEAKER. The gentleman from Illinois [Mr. BOUTELL] moves that the House recede and concur in Senate amendment.

Mr. STEELE. I think the House ought to understand what they are voting upon.

Mr. HOPKINS. They do. All members know what they are going to do.

The question was taken on the motion to recede and concur.

Mr. CANNON demanded a division.

Pending the announcement of the vote on the division,

Mr. SIMS and Mr. STEELE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 127, nays 75, answered "present" 11, not voting 139; as follows:

YEAS—127.

Aldrich,	Davis,	Johnston,	Richardson,
Alexander,	De Armond,	Jones, Wash.	Ridgely,
Allen, Miss.	Dick,	Joy,	Rixey,
Bailey, Kans.	Dinsmore,	Kahn,	Roberts,
Baker,	Dolliver,	Lacey,	Robinson, Nebr.
Bankhead,	Dougherty,	Lamb,	Rodenberg,
Bartholdt,	Driggs,	Landis,	Rucker,
Bell,	Elliott,	Lane,	Ryan, N. Y.
Bellamy,	Esch,	Latimer,	Scudder,
Benton,	Finley,	Little,	Shackelford,
Boreing,	Fitzgerald, Mass.	Littlefield,	Shafroth,
Boutell, Ill.	Fletcher,	Lloyd,	Spalding,
Breazeale,	Foss,	Lorimer,	Sparkman,
Brown,	Foster,	Lovering,	Stark,
Brownlow,	Fowler,	McPherson,	Stokes,
Brundidge,	Gaston,	McRae,	Sutherland,
Burke, S. Dak.	Gibson,	Marsh,	Swanson,
Burleigh,	Glynn,	Miller,	Tawney,
Burnett,	Graff,	Mondell,	Taylor, Ala.
Calderhead,	Greene, Mass.	Moody, Oreg.	Terry,
Caldwell,	Grosvenor,	Mudd,	Thayer,
Clark, Mo.	Hawley,	Needham,	Thomas, Iowa
Clayton, N. Y.	Hay,	Neville,	Thropp,
Cochran, Mo.	Hedge,	Newlands,	Underwood,
Cooney,	Hemenway,	Noonan,	Warner,
Cousins,	Henry, Miss.	Norton, S. C.	Waters,
Cummings,	Hepburn,	Otjen,	Williams, J. R.
Curtis,	Hitt,	Pearce, Mo.	Williams, W. E.
Daly, N. J.	Hopkins,	Phillips,	Wilson, Idaho
Davenport, S. A.	Howard,	Ransdell,	Wise,
Davenport, S. W.	Hull,	Ray,	Young,
Davey,	Jett,	Reeves,	

NAYS—75.

Acheson,	Dalzell,	Lester,	Rhea, Ky.
Bailey, Tex.	De Graffenreid,	Lewis,	Russell,
Barber,	Driscoll,	Long,	Shelden,
Barney,	Emerson,	McCall,	Sheppard,
Bartlett,	Fitzgerald, N. Y.	Maddox,	Sherman,
Bingham,	Gaines,	Mahon,	Showalter,
Brosius,	Gill,	Miers, Ind.	Sims,
Burkett,	Gillett, Mass.	Minor,	Smith, Ky.
Burleson,	Grow,	Moody, Mass.	Snodgrass,
Burton,	Hall,	Moon,	Stallings,
Butler,	Haugen,	O'Grady,	Steele,
Cannon,	Henry, Tex.	Olmsted,	Stephens, Tex.
Clarke, N. H.	Hill,	Otey,	Taylor, Ohio
Clayton, Ala.	Hoffecker,	Packer, Pa.	Underhill,
Cochrane, N. Y.	Ketcham,	Parker, N. J.	Van Voorhis,
Corliss,	Kitchin,	Payne,	Vreeland,
Crump,	Kluttz,	Pierce, Tenn.	Weaver,
Cushman,	Lanham,	Pugh,	Wright,
Dahle, Wis.	Lawrence,	Reeder,	

ANSWERED "PRESENT"—11.

Bishop,	De Vries,	Meyer, La.	Stewart, N. Y.
Bromwell,	McLain,	Morris,	Williams, Miss.
Capron,	Metcalf,	Southard,	

NOT VOTING—139.

Adams,	Cooper, Wis.	Graham,	McAleer,
Adamson,	Cowherd,	Green, Pa.	McCleary,
Allen, Ky.	Cox,	Griffith,	McClellan,
Allen, Me.	Cromer,	Griggs,	McCulloch,
Atwater,	Crowley,	Groat,	McDowell,
Babcock,	Crumacker,	Hamilton,	Mann,
Ball,	Cusack,	Heatwole,	May,
Barham,	Davidson,	Henry, Conn.	Meekison,
Berry,	Dayton,	Howell,	Mercer,
Boutelle, Me.	Denny,	Jack,	Mesick,
Bowersock,	Dovener,	Jenkins,	Morgan,
Bradley,	Eddy,	Jones, Va.	Muller,
Brantley,	Farris,	Kerr,	Naphen,
Brenner,	Fitzpatrick,	King,	Norton, Ohio
Brewer,	Fleming,	Kleberg,	Overstreet,
Brick,	Fordney,	Knox,	Pearson,
Broussard,	Fox,	Lassiter,	Pearre,
Bull,	Freer,	Lentz,	Polk,
Burke, Tex.	Gamble,	Levy,	Powers,
Campbell,	Gardner, Mich.	Linney,	Prince,
Carmack,	Gardner, N. J.	Littauer,	Quarles,
Catchings,	Gayle,	Livingston,	Rhea, Va.
Chanler,	Gilbert,	Loud,	Riordan,
Connell,	Gillet, N. Y.	Loudenslager,	Robb,
Cooper, Tex.	Gordon,	Lvbrand,	Robertson, La.

Robinson, Ind.	Smith, Samuel W.	Talbert,	Watson,
Ruppert,	Smith, Wm. Alden	Tate,	Weeks,
Ryan, Pa.	Sperry,	Thomas, N. C.	Weymouth,
Salmon,	Spight,	Tompkins,	Wheeler, Ky.
Shattuc,	Sprague,	Tongue,	White,
Sibley,	Stevens, Minn.	Turner,	Wilson, N. Y.
Slayden,	Stewart, N. J.	Vandiver,	Wilson, S. C.
Small,	Stewart, Wis.	Wachter,	Zenor.
Smith, Ill.	Sulloway,	Wadsworth,	Ziegler.
Smith, H. C.	Sulzer,	Wanger,	

So the motion to recede and concur was agreed to.

The following additional pairs were announced:
Until further notice:

Mr. STEWART of New York with Mr. RIORDAN.

For this day:

Mr. STEVENS of Minnesota with Mr. COOPER of Texas.

Mr. HENRY of Connecticut with Mr. ALLEN of Kentucky.

Mr. OVERSTREET with Mr. BALL.

On this vote:

Mr. MERCER with Mr. WILLIAMS of Mississippi.

Mr. DE VRIES with Mr. LOUD.

Mr. GORDON with Mr. GROUT.

Mr. LASSITER with Mr. McLAIN.

Mr. WALESWORTH with Mr. GRIGGS.

Mr. DAVIDSON with Mr. STEWART of Wisconsin.

Mr. BABCOCK with Mr. BRANTLEY.

Mr. HEMENWAY. Mr. Speaker, am I recorded as voting?

The SPEAKER. The gentleman is not recorded?

Mr. HEMENWAY. I voted "yea" on the first roll call.

The name of Mr. HEMENWAY was called, and he voted "yea."

Mr. BROMWELL. Mr. Speaker, I would like to change my vote from "yea" to "present."

The name of Mr. BROMWELL was called, and he answered "present."

Mr. MORRIS. Mr. Speaker, I would like to change my vote from "yea" to "present."

The name of Mr. MORRIS was called, and he answered "present."

Mr. STEWART of New York. Mr. Speaker, I desire to change my vote from "nay" to "present."

The name of Mr. STEWART of New York was called, and he answered "present."

Mr. WILLIAMS of Mississippi. Mr. Speaker, I voted "nay." I am paired with the gentleman from Nebraska, Mr. MERCER, and I wish to withdraw my vote, and answer "present."

The name of Mr. WILLIAMS of Mississippi was called, and he answered "present."

Mr. McLAIN. Mr. Speaker, I voted "nay." I am paired with the gentleman from Virginia, Mr. LASSITER. I desire to withdraw my vote, and answer "present."

The name of Mr. McLAIN was called, and he answered "present."

Mr. TATE. Mr. Speaker, I am paired with the gentleman from Minnesota, Mr. HEATWOLE. If present, he would vote "yea" and I would vote "nay."

The SPEAKER. That statement is out of order.

The result of the vote was then announced as above recorded.
[Loud applause.]

Mr. CANNON. I move that the House further insist on its disagreement to the Senate amendments yet undisposed of.

The SPEAKER. The gentleman from Illinois moves that the House further insist on its disagreements to the Senate amendments not disposed of.

The motion was agreed to.

Mr. CANNON. Now, Mr. Speaker, I move that the House ask for a conference upon this bill.

The SPEAKER. The gentleman from Illinois asks for a conference on the sundry civil bill. Without objection, that order will be made.

There was no objection.

The SPEAKER. The Chair appoints the following conferees: Mr. CANNON, Mr. MOODY of Massachusetts, and Mr. McRAE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the House recede from its disagreement to the amendment of the Senate No. 155 to the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert: "For the purchase by the Commissioners of the District of Columbia, for a municipal hospital, \$100,000, or so much thereof as may be necessary."

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 10650) to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana.

The message also announced that the Senate had agreed to the

amendment of the House of Representatives to the amendment of the Senate No. 155 to the bill (H. R. 9139) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1901, and for other purposes.

The message also announced that the Senate had passed the following resolutions; in which the concurrence of the House was requested:

Senate concurrent resolution 76:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate (S. 2982) granting an increase of pension to William Blades.

Senate concurrent resolution 77:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate (S. 1551) granting a pension to John G. B. Masters.

ENROLLED BILLS SIGNED.

Mr. BAKER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 1992. An act for the relief of Mathias Pederson;

H. J. Res. 247. A joint resolution to authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws;

H. R. 2936. An act changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes;

H. R. 5296. An act establishing terms of the United States circuit court at Newbern and Elizabeth City, N. C.;

H. R. 10850. An act to authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana; and

H. R. 8515. An act to amend chapter 4, Title XIII, of the Revised Statutes of the United States.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 359. An act to extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oreg.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below.

S. 186. An act for the relief of John L. Smithmeyer and Paul J. Pelz—to the Committee on Claims.

GENERAL DEFICIENCY BILL.

Mr. CANNON. Mr. Speaker, I now desire to ask unanimous consent that the House nonconcur in the Senate amendments to the general deficiency bill and ask for a conference.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the House nonconcur in the Senate amendments to the general deficiency bill and ask for a conference.

Mr. WILLIAMS of Mississippi. Mr. Speaker, there are quite a good many new appropriations put upon the bill in the Senate in connection with that matter. For the present—I may withdraw it later—I make the point of order that it ought to go into Committee of the Whole.

Mr. CANNON. Let it go over until to-morrow.

Mr. WILLIAMS of Mississippi. Yes.

The SPEAKER. It will go over until to-morrow.

MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER laid before the House the Military Academy appropriation bill, with Senate amendments.

Mr. HULL. Mr. Speaker, I ask unanimous consent that the House disagree to the amendments of the Senate and agree to a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the House disagree to the amendments of the Senate and ask a conference. Is there objection?

Mr. UNDERWOOD. What bill is that, Mr. Speaker?

Mr. HULL. It is the Military Academy bill, making appropriations for the Military Academy for the next fiscal year.

Mr. UNDERWOOD. I would like to ask the gentleman from Iowa what the Senate amendments are, if he will state them briefly.

Mr. HULL. They have made a good many amendments. They have increased the total; they have increased the pay of the master of the sword, and they have made several other amendments. Among others, one for the General of the Army and another for the Adjutant-General of the Army, and also they have increased the number of cadets at West Point.

Mr. UNDERWOOD. I think that bill should be considered in Committee of the Whole, Mr. Speaker, and I shall have to object unless that is agreed to.

The SPEAKER. Objection is made.

SPECIAL RIVER AND HARBOR BILL.

Mr. BURTON. Mr. Speaker, I ask unanimous consent that the House nonconcur in the Senate amendments to the House bill 11646, known as the special river and harbor bill, and ask for a conference.

The SPEAKER. The gentleman from Ohio asks unanimous consent to nonconcur in the Senate amendments to the bill known as the special river and harbor bill, and asks for a conference.

Mr. BROMWELL. I would like to inquire of the gentleman from Ohio as to the number of the amendment relating to the proposed survey for increasing the height of the dam of the Ohio River from 6 to 9 feet.

Mr. BURTON. It is numbered 21.

Mr. STEELE. I think that might as well go over with the Military Academy bill.

Mr. BURTON. Mr. Speaker, I move that the rules be suspended and that the House nonconcur in the Senate amendments.

The SPEAKER. Does the gentleman from Indiana withdraw his objection?

Mr. STEELE. I do not.

The SPEAKER. The gentleman from Ohio moves that the House suspend the rules and nonconcur in the Senate amendments and ask for a conference.

The question was taken, and in the opinion of the Chair, two-thirds having voted in favor thereof, the motion was agreed to.

The Chair appointed as conferees on the part of the House Mr. BURTON, Mr. REEVES, and Mr. CATCHINGS.

RED CROSS ASSOCIATION.

Mr. GILLET of Massachusetts. Mr. Speaker, I call up the conference report on the Red Cross bill, which will take only a moment.

The SPEAKER. The gentleman from Massachusetts calls up the conference report on the bill known as the Red Cross bill.

Mr. GILLET of Massachusetts. Mr. Speaker, I ask unanimous consent that only the statement be read.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 2931, "An act to incorporate the American National Red Cross, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same.

FRED H. GILLET,
JOHN S. WILLIAMS,
Conferees on the part of the House.
H. D. MONEY,
H. C. LODGE,
Conferees on the part of the Senate.

The Clerk read the statement, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2931) to incorporate the American National Red Cross, and for other purposes, submit the following statement, to accompany the conference report: The conferees unanimously agree that the Senate recede from its disagreement to the substitute which the House inserted in place of section 4.

FRED H. GILLET,
JOHN S. WILLIAMS,
Managers on the part of the House.

The conference report was agreed to.

NAVIGATION IN NEW YORK HARBOR.

Mr. MULLER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8777) to confer upon the supervisor of the harbor of New York further power to act in reference to interference with navigation, and to confer jurisdiction upon the United States courts to punish offenders thereof.

The SPEAKER. The Chair will state that the gentleman from New York is obliged to go home to-night on account of sickness in his family, and the Chair therefore recognizes the gentleman at this time.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MAHON and others objected.

Mr. MULLER. I move to suspend the rules, Mr. Speaker—

Mr. TAWNEY. Mr. Speaker, I move that we now adjourn.

Mr. FITZGERALD of Massachusetts. A question of order, Mr. Speaker. The gentleman from New York made his motion before the motion of the gentleman from Michigan was made.

The SPEAKER. The motion to adjourn was in order.

Mr. MULLER. I hope the gentleman will withdraw his motion.

Mr. BINGHAM. I ask the gentleman to withhold his motion until I can ask consideration of the House of a resolution on the death of Mr. HARMER.

Mr. TAWNEY. I will withhold my motion, Mr. Speaker, for the present.

THE LATE REPRESENTATIVE A. C. HARMER.

The SPEAKER. The Clerk will read the request of the gentleman from Pennsylvania [Mr. BINGHAM].

The Clerk read as follows:

Resolved, That Saturday, at 1 p. m., the 8th day of December, 1900, be set apart for the purpose of paying tribute to the memory of Hon. ALFRED C. HARMER, late a member of the House of Representatives from the State of Pennsylvania.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. FITZGERALD of Massachusetts. I object until the question of the right of the gentleman from New York—

The SPEAKER. That question was ruled upon twice. The motion to adjourn took precedence of the motion of the gentleman from New York. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none.

OBITUARY ADDRESSES ON HON. DENIS M. HURLEY.

Mr. FITZGERALD of New York, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Whereas the late Hon. DENIS M. HURLEY, member of the Fifty-fifth Congress from the Second district of the State of New York, died on the 26th day of February, 1899, immediately preceding the final adjournment of the Fifty-fifth Congress; and

Whereas the pressure of public business in the few days then remaining of the Fifty-fifth Congress prevented a day being set apart for the customary tributes to the memory of the said deceased:

Resolved by the House of Representatives (the Senate concurring), That members of the Senate and of the House of Representatives be permitted to print in the RECORD appropriate remarks in eulogy of the said Hon. DENIS M. HURLEY, deceased.

And then, on motion of Mr. PAYNE (at 7 o'clock and 3 minutes p. m.), the House adjourned until 12 o'clock m., to-morrow.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation (\$120,000) for filling in Fort Delaware Reservation—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1910) to pension the National Guards of East Tennessee, reported the same with amendment, accompanied by a report (No. 1929); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FOSS, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 12069) providing for certain employees in the preparation of plans and specifications for public works under the Bureau of Yards and Docks, reported the same without amendment, accompanied by a report (No. 1932); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 1023) to authorize the Secretary of the Navy to loan naval equipment to certain military schools, reported the same without amendment, accompanied by a report (No. 1934); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, reported the bill of the House (H. R. 12099) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn., in lieu of H. R. 11787, accompanied by a report (No. 1937); which said bill and report were referred to the House Calendar.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 2438) to establish a fish-hatching and fish station in the State of West Virginia, reported the same without amendment, accompanied by a report (No. 1938); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10661) to authorize the Central Railway of West Virginia to build a bridge across the Monongahela River at or near Morgantown, in the State of West Virginia, reported the same with amendment, accompanied by a report (No. 1940); which said bill and report were referred to the House Calendar.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the joint resolution of the House (H. J. Res. 201) donating a condemned cannon to the Commandery in Chief of the Sons of Veterans, United States of America, reported the same with amendment, accompanied by a report (No. 1943); which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MUDD, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 9201) authorizing the President to appoint additional cadets at large at the United States Naval Academy, reported the same without amendment, accompanied by a report (No. 1944); which said bill and report were referred to the House Calendar.

Mr. EDDY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 4306) for the relief of settlers under the public-land laws to lands within the indemnity limits of the grant to the Northern Pacific Railroad Company, reported the same with amendment, accompanied by a report (No. 1948); which said bill and report were referred to the House Calendar.

Mr. DAYTON, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 4728) providing for leaves of absence to certain employees of the Government, reported the same with amendment, accompanied by a report (No. 1950); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCLEARY, from the Committee on the Library, to which was referred the bill of the House (H. R. 5795) for the purchase of a bronze portrait statue of George Washington, reported the same with amendment, accompanied by a report (No. 1951); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11795) granting a pension to Columbus S. Whitaker, reported the same with amendment, accompanied by a report (No. 1908); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4557) granting an increase of pension to Lucy E. Danilson, reported the same without amendment, accompanied by a report (No. 1909); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6810) granting an increase of pension to Peter Anderson, of Strong City, Kans., reported the same with amendment, accompanied by a report (No. 1910); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1775) granting an increase of pension to Andrew J. Arnett, reported the same without amendment, accompanied by a report (No. 1911); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3871) granting a pension to W. J. Worthington, reported the same with amendment, accompanied by a report (No. 1912); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4241) granting an increase of pension to William T. Gratton, reported the same without amendment, accompanied by a report (No. 1913); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2395) granting an increase of pension to Mathew McDonald, reported the same with amendment, accompanied by a report (No. 1914); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4261) granting a pension to Frances M. Cellar, reported the same without amendment, accompanied by a report (No. 1915); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11936) granting an increase of pension to William Everett, reported the same with amendment, accompanied by a report (No. 1916); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2755) granting an

increase of pension to Isaac N. Cissna, reported the same without amendment, accompanied by a report (No. 1917); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6997) to increase pension of Mrs. Josephine H. Whitehead, reported the same with amendment, accompanied by a report (No. 1918); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9787) granting a pension to Marion M. Stone, reported the same with amendment, accompanied by a report (No. 1919); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1456) granting an increase of pension to Fordyce M. Keith, reported the same without amendment, accompanied by a report (No. 1920); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11196) granting an increase of pension to Louis Snyder, reported the same without amendment, accompanied by a report (No. 1921); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2178) granting a pension to James Beistle, reported the same with amendment, accompanied by a report (No. 1922); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4553) granting an increase of pension to Benjamin Rippleman, reported the same without amendment, accompanied by a report (No. 1923); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9404) granting a pension to Elizabeth Hendricks, of Dubois, Pa., reported the same with amendment, accompanied by a report (No. 1924); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4552) granting an increase of pension to Joseph Smith, reported the same without amendment, accompanied by a report (No. 1925); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10617) granting an increase of pension to Kate E. Duffy, reported the same without amendment, accompanied by a report (No. 1926); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3512) granting an increase of pension to Samuel Schutz, reported the same without amendment, accompanied by a report (No. 1927); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3574) granting a pension to Julia Van Wicklen, reported the same without amendment, accompanied by a report (No. 1928); which said bill and report were referred to the Private Calendar.

Mr. PEARCE of Missouri, from the Committee on Claims, to which was referred the bill of the House (H. R. 4996) for the relief of John L. Smithmeyer and Paul J. Pelz, reported the same with amendment, accompanied by a report (No. 1930); which said bill and report were referred to the Private Calendar.

Mr. WATSON, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 854) for the relief of Lieut. Horace P. McIntosh, reported the same without amendment, accompanied by a report (No. 1933); which said bill and report were referred to the Private Calendar.

Mr. ROBB, from the Committee on Claims, to which was referred the bill of the House (H. R. 6203) for the relief of C. M. Parkins, reported the same with amendment, accompanied by a report (No. 1935); which said bill and report were referred to the Private Calendar.

Mr. PHILLIPS, from the Committee on Claims, to which was referred the bill of the Senate (S. 1749) for the payment of Joshua T. Roberts of balance due for surveying public lands, reported the same without amendment, accompanied by a report (No. 1936); which said bill and report were referred to the Private Calendar.

Mr. CAPRON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 7602) to correct the military record of Palmer G. Percy, reported the same with amendment, accompanied by a report (No. 1939); which said bill and report were referred to the Private Calendar.

Mr. RIXEY, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 2055) for the promotion and retirement of P. A. Surg. John F. Bransford, of the United States Navy, reported the same without amendment, accompanied

by a report (No. 1941); which said bill and report were referred to the Private Calendar.

Mr. MEYER of Louisiana, from the Committee on Naval Affairs, to which was referred the bill of the Senate (S. 3077) authorizing the President to appoint Lieut. Robert Platt, United States Navy, to the rank of commander, reported the same without amendment, accompanied by a report (No. 1942); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11598) for the relief of Frank B. Case, reported the same without amendment, accompanied by a report (No. 1945); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11394) for the relief of William G. Mayer, reported the same without amendment, accompanied by a report (No. 1946); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2884) for the relief of Edward Everett Hayden, an ensign on the retired list of the Navy, reported the same without amendment, accompanied by a report (No. 1947); which said bill and report were referred to the Private Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 8349) granting jurisdiction and authority to the Court of Claims in the claim of the Pottawatomie tribe of Indians in and to unceded lands in Illinois and elsewhere, and also to hunting, camping, and fishing privileges reserved to said Indians under treaty stipulations, reported the same adversely, accompanied by a report (No. 1949); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DE VRIES: A bill (H. R. 12094) providing for the construction of a diverting canal and the enlargement of the north branch of the Calaveras River, and for the improvement of the San Joaquin River and Stockton and Mormon channels, California—to the Committee on Rivers and Harbors.

By Mr. SULLOWAY: A bill (H. R. 12095) determining how and what ratings shall be made in adjudicating claims for invalid pensions, providing for a pension on account of age, and for other purposes—to the Committee on Invalid Pensions.

By Mr. DE VRIES: A bill (H. R. 12096) providing for the construction of restraining barriers, dams, and impounding works upon Bear River, California, for the protection of navigable waters of said State—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 12097) providing for the construction of restraining barriers, dams, and impounding works upon the American River, California, for the protection of navigable waters of said State—to the Committee on Rivers and Harbors.

By Mr. RIDGELY (by request): A bill (H. R. 12098) to enable each State to improve its own rivers and harbors or to make other public improvements—to the Committee on Rivers and Harbors.

By Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 12099) to grant the Knoxville Power Company the right to dam the Tennessee River at or near Knoxville, Tenn.—to the House Calendar.

By Mr. ADAMS: A bill (H. R. 12100) to enforce the repayment of moneys alleged to have been illegally collected from the United States—to the Committee on Claims.

By Mr. DE VRIES: A bill (H. R. 12117) appropriating money for the improvement of the Sacramento, Feather, and Yuba rivers, California—to the Committee on Rivers and Harbors.

By Mr. RAY of New York: A resolution (H. Res. 291) requesting the Committee on Invalid Pensions to inform the House before the close of the session what steps have been taken to furnish the information apparently contemplated by H. Res. 264—to the Committee on Invalid Pensions.

By Mr. LEVY: A resolution (H. Res. 292) relative to the repeal of the war-revenue tax—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 12101) granting an increase of pension to Henry E. Smith—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 12102) for the relief of J. B. Roberson, administrator of the estate of J. P. Roberson, deceased—to the Committee on War Claims.

By Mr. CARMACK: A bill (H. R. 12103) for the relief of the estate of Stephen Fransiola, deceased—to the Committee on War Claims.

By Mr. FITZGERALD of Massachusetts: A bill (H. R. 12104) for the relief of George T. Sampson, surviving partner of the firm of A. & G. T. Sampson—to the Committee on War Claims.

By Mr. HOFFECKER: A bill (H. R. 12105) granting an honorable discharge to John Green—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 12106) to increase the pension of the widow of George Duffield—to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 12107) for the relief of Solomon Bell—to the Committee on Military Affairs.

Also, a bill (H. R. 12108) for the relief of Mary C. Cathcart—to the Committee on Pensions.

By Mr. RIDGELY: A bill (H. R. 12109) granting relief to Elizabeth A. Nalley—to the Committee on Pensions.

By Mr. WM. ALDEN SMITH: A bill (H. R. 12110) for the relief of Caesar Dixon—to the Committee on Military Affairs.

Also, a bill (H. R. 12111) granting a pension to William Choate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12112) granting a pension to William Randall—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 12113) for the relief of Pay Clerk Charles Blake, United States Navy—to the Committee on Claims.

Also, a bill (H. R. 12114) for the relief of Paymaster James E. Tolfree, United States Navy—to the Committee on Claims.

By Mr. WEEKS: A bill (H. R. 12115) for the relief of Washington Horton—to the Committee on Military Affairs.

By Mr. RODENBERG: A bill (H. R. 12116) to remove the charge of desertion from the military record of Samuel B. Hill—to the Committee on Military Affairs.

Also, a bill (H. R. 12118) granting an increase of pension to William T. McMurtry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12119) granting an increase of pension to Charles G. Sanders—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 12120) directing the Secretary of the Treasury to reexamine and resettle the account of the city of Baltimore growing out of moneys expended by the said city for military purposes during the war of 1812—to the Committee on War Claims.

By Mr. MCCLEARY: A bill (H. R. 12121) granting a pension to Caroline H. Wright—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Papers to accompany House bill increasing the pension of Henry E. Smith—to the Committee on Invalid Pensions.

By Mr. BROMWELL: Petition of druggists of Cincinnati, Ohio, for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. DRIGGS: Petition of William Dean Howells and 11 other citizens, authors, editors, and publishers, asking for perpetual copyright—to the Committee on Patents.

By Mr. FITZGERALD of Massachusetts: Circular of the American Anti-Trust League, entitled "The Anti-Trust Bulletin"—to the Committee on Interstate and Foreign Commerce.

By Mr. HALL: Papers to accompany House bill No. 11801, to compensate William Tucker—to the Committee on War Claims.

By Mr. JOY: Petition of C. W. J. Hahn and 6 other druggists, of St. Louis, Mo., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. LACEY: Petition of Union No. 453, United Mine Workers of America, Leighton, Iowa, urging the passage of House bills 6882, 5450, and 8917—to the Committee on Labor.

By Mr. MOODY of Oregon: Petition of citizens of La Grande, Oreg., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

By Mr. MOON: Papers to accompany House bill No. 10179, for the relief of R. B. Warren—to the Committee on War Claims.

Also, papers to accompany House bill for the relief of Solomon Bell, of James County, Tenn.—to the Committee on Military Affairs.

Also, papers to accompany House bill for the relief of Mary C. Cathcart—to the Committee on Pensions.

By Mr. NEEDHAM: Petition of the Woman's Christain Temperance Union of San Diego, Cal., urging the enactment of a law forbidding the sale of intoxicating liquors in Alaska, the Hawaiian

Islands, Philippines, Porto Rico, and Cuba—to the Committee on the Territories.

By Mr. RIDGELY: Petition of Judge N. A. Brewster and 36 other citizens of Sedan, Kans., to accompany House bill No. 9622, granting a pension to Mrs. Mary Welch, widow of Charles Egerton, late of Company D, Ninth Kansas Cavalry—to the Committee on Invalid Pensions.

By Mr. RIXEY: Paper to accompany House bill No. 11611, for the relief of James W. Stone, of Stafford County, Va.—to the Committee on War Claims.

By Mr. TAYLOR of Alabama: Petition of citizens and druggists of Demopolis, Ala., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

SENATE.

TUESDAY, June 5, 1900.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

DISPOSITION OF THE RENAULT GRANT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 1st instant, certain information relative to the proceeds in whole or in part of the sale to Lynn & Pratt, or any other person or persons, of the mine La Mott in the State of Missouri; which was ordered to lie on the table and be printed.

NORTH AMERICAN COMMERCIAL COMPANY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 24th ultimo, certain information relative to the disposition made of the appeal of the defendant in the case of The United States vs. The North American Commercial Company, made in the United States district court, southern district of New York, etc.; which was ordered to lie on the table and be printed.

CASUALTIES AMONG FILIPINOS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 17th ultimo, a copy of cablegram sent to the commanding general, Division of the Philippines, relative to the number of Filipinos killed and wounded since the breaking out of the present hostilities with them; etc.; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

COMMISSIONS APPOINTED BY THE EXECUTIVE.

Mr. CULBERSON. Mr. President, I desire to make an inquiry of the Chair. On April 21 I introduced a resolution asking the President to furnish the Senate certain information with reference to the creation of commissions. That resolution was adopted by the Senate April 24, more than a month ago. I desire to know if any response has been made to the resolution?

The PRESIDENT pro tempore. The Chair is not informed that any has been.

PETITIONS.

Mr. BARD presented a petition of the congregation of the Presbyterian Church of Easton, Cal., and a petition of the Central Woman's Christian Temperance Union of San Diego, Cal., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which were referred to the Committee on Military Affairs.

Mr. WARREN presented a petition of sundry citizens of Basin, Wyo., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. FAIRBANKS presented a petition of the Department of Indiana, Grand Army of the Republic, praying for the appointment of a dental corps in the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Audubon Society of Indianapolis, Ind., praying for the enactment of legislation providing for the protection of game and song birds; which was referred to the Committee on the Judiciary.

He also presented the petition of A. M. Wooley, Company B,

Sixty-eighth Indiana Infantry, and the petition of Atwell George, Company G, Thirty-seventh Indiana Infantry Volunteers, praying for the passage of a service per diem pension bill; which were referred to the Committee on Pensions.

Mr. LODGE presented an address of the National Business Men's League to the President and Congress of the United States, sustaining the President's policy of strict neutrality in the present war between Great Britain and the South African States, indorsed by business men of Boston, Worcester, and Springfield, in the State of Massachusetts, and of New York, N. Y., Hartford, Conn., and other cities; which was referred to the Committee on Foreign Relations.

Mr. HOAR presented a petition of the congregation of Christ Church of Springfield, Mass., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. ALLEN presented sundry papers to accompany the bill (S. 1793) granting a pension to Elizabeth McGaw; which were referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. SHOUP, from the Committee on Military Affairs, to whom was referred the bill (S. 97) for the relief of Edward Byrne, reported it without amendment, and submitted a report thereon.

Mr. HARRIS, from the Committee on Military Affairs, to whom was referred the bill (S. 3749) for the relief of Gustav A. Hesselberger, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 4848) for the relief of the devisees of Casper Barber and their assigns from the operation of the act restricting the ownership of real estate in the Territories and the District of Columbia to American citizens, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 4804) to regulate the production and sale of milk and cream in and for the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4816) to provide for the closing of part of an alley in square 169, in the city of Washington, D. C., and for the sale thereof to the Young Men's Christian Association of the city of Washington, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 10235) granting an increase of pension to George Friend;

A bill (H. R. 10742) granting a pension to Wilburn W. Testerman; and

A bill (H. R. 3767) granting an increase of pension to John W. Hartley.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (S. 4756) directing the issue of a duplicate of lost check drawn by James B. Quinn, major, Corps of Engineers, United States Army, in favor of Henry L. Breneman, reported it with an amendment, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (H. R. 737) granting a pension to Cynthia A. Middleton, reported it without amendment, and submitted a report thereon.

REPAIR OF DISTRICT ROADS AND BRIDGES.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia to report a joint resolution making an emergency appropriation for the repair of certain roads and bridges in the District of Columbia, and I ask for its immediate consideration.

Joint resolution (S. R. 130) making an emergency appropriation for the repair of certain roads and bridges in the District of Columbia was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of \$10,000, or so much thereof as may be necessary, be, and the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the repair of county roads and bridges (including those in the Rock Creek and the Zoological parks) that were damaged by the storm of June 2, 1900, the same to be immediately available and to be expended under the Commissioners of the District of Columbia.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.